

CITY OF CANAL FULTON CITY COUNCIL MEETING AGENDA

December 1, 2009

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **CORRECTING & ADOPTING THE RECORD
OF PROCEEDINGS**

November 17, 2009

5. **REPORTS OF STANDING COMMITTEES**

6. **CITIZENS' COMMENTS – AGENDA MATTERS
(Five Minutes per Individual – No Yield)**

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

A. Senior Citizens

B. Community Service Coordinator

C. Fire Chief

D. Police Chief

E. Engineer/Streets/Public Utilities

F. Finance Director

G. City Manager

H. Report of Mayor – Appointment to
Boards/Commissions

I. Parks & Recreation Board

J. Law Director

8. **THIRD READINGS**

Resolution 29-09: A Resolution by the Council of the City of Canal Fulton, Ohio to Adopt the Ohio Ethics Commission Restrictions on Nepotism.

9. **SECOND READINGS**

Resolution 30-09: A Resolution By the Council of the City of Canal Fulton, Ohio Authorizing the City Manager to Enter Into a Contract to Rent the Hatfield Parking Lot.

Ordinance 36-09: An Ordinance by the Council of the City of Canal Fulton, Ohio for Illicit Discharge and Illegal Connection Control to Its Municipal Separate Storm Sewer System (MS4).

Ordinance 37-09: An Ordinance by the Council for the City of Canal Fulton, Ohio to Implement a Storm Water management Program.

Ordinance 38-09: An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 505.11 Regarding Hunting Regulations and Repealing Any Ordinances in Conflict Therewith.

Ordinance 39-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to partially Accept Streets and Public Utilities for Discovery Park Phase 2.

10. **FIRST READINGS**

Resolution 31-09: A Resolution By the council of the city of Canal Fulton, Ohio to Enter Into A Supplemental Sewer Service Agreement with Stark County, Ohio.

Resolution 32-09: A Resolution By the Council of the City of Canal Fulton To Enter Into An Agreement With the Stark County Public Defender Commission and the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants and Declaring an Emergency.

Ordinance 41-09: An Ordinance Amending Ordinance 4-09, Rate of Pay for Income Tax Clerical, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Ordinance 42-09: An Ordinance Amending Ordinance 6-09, Section of Rates of Pay for Fire Captains and Eliminating Fire Lieutenant Position and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Ordinance 44-09: An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2010, and Adding Holiday Pay for Day Crew Shift, and Repealing Any Ordinances In Conflict Therewith, and Declaring an Emergency.

Ordinance 45-09: An Ordinance To Make Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2010, and Declaring an Emergency.

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
December 1, 2009

13. PURCHASE ORDERS & BILLS

No Purchase Orders

BILLS: \$355,303.84

14. OLD/NEW/OTHER BUSINESS

15. REPORT OF PRESIDENT PRO TEMPORE

16. REPORT OF SPECIAL COMMITTEES

**17. CITIZENS COMMENTS – Open Discussion
(Five Minute Rule)**

18. ADJOURNMENT

**RECORD OF PROCEEDINGS
CITY OF CANAL FULTON**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 17, 2009

Held

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COUNCIL MEETING

Vice President James Deans called the November 17, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Diane Downing, James Deans, Danny Losch, Linda Zahirsky and Matthew Moellendick.

Absent: Nellie Cihon, Mayor John Grogan.

Mr. Losch moved to excuse Mrs. Cihon due to attending a function with the Senior Center, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Others Present: Mark Cozy, City Manager; Scott Fellmeth, Law Director; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; Doug Swartz, Lieutenant; Ray Green, Chief; Daniel Mayberry, Service Director; Sue Mayberry and Paul Bagocius, Council Elect; Chell Rossi, Dennis Downing, Victor Colaianni, David Cornelius and Mike Mouse, Residents; Chad Wetzel, Fire Department; Amy Knapp, Independent; and Joan Porter, Repository.

PRESENTATION - STARK COUNTY REGIONAL PLANNING - COMMUNITY PLAN

Malia Watkins and Rachel Lewis

Malia Watkins stated the Stark County Regional Planning and a committee of eleven has been meeting on a monthly basis to develop a Community Plan for the City.

Ms. Watkins stated they did a SWAT analysis at the beginning which covered the strength, weakness, threats and opportunities which was defined by the committee and the community input. They held two public meetings and created a top ten list.

Rachel Lewis gave an overview of what is in each section of the plan and the benefits of the plan.

Ms. Watkins wanted to thank those that served on the committee. It made it easy to put the plan together. They would like for council to review and hopefully adopt.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to adopt the record of proceedings for the November 4, 2009 meeting, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

The header of the minutes from the November 4, 2009 had the wrong date, it read October 20, 2009 instead of November 4, 2009.

REPORTS OF STANDING COMMITTEES

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

November 17, 2009

Held

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Safety Committee: 24 hour staffing run volumes between 12-6:00 AM holiday pay for those that work on the holidays (6), time and a half, and one working as an officer and receiving a shift differential pay.

Finance Committee: Mrs. Zahirsky stated the Finance Committee met on November 16, 2009 to discuss 2010 budget. The prior meeting they looked at capital. Last night they look at operating budget.

They need one more finance meeting.

Mrs. Zahirsky moved to have a finance committee meeting on November 24, 2009 at 6:30 PM to discuss the 2010 budget and any other business, seconded Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to have a personnel committee meeting on November 24, at 7:30 to discuss the shift differential and other personnel issues, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

CITIZENS' COMMENTS – AGENDA MATTERS

Michael Mouse: Mr. Mouse wanted an explanation on Resolution 29-09 and wanted to know who sponsored it and brought it to the table. He stated this used to be included on the legislation.

Mr. Deans stated he didn't know who sponsored it.

Mr. Fellmeth stated he wrote it as the Law Director and requested a point of order. He stated this is not the appropriate time to bring this up. He stated this is a second reading. He stated this section of the meeting is for agenda matter and if he has a question about an agenda matter, that would be appropriate to bring up, and not an ordinance or resolution which is pending.

Mr. Mouse stated he felt it was permissible. Mr. Fellmeth stated it was not an agenda matter.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) – Not Present

COMMUNITY SERVICE (John Murphy, Coordinator) - Written

FIRE CHIEF (Ray Green, Fire Chief)

Monthly Report: Chief Green stated they had 74 incidents for the month of October. The monthly report was distributed by the Chief.

POLICE DEPARTMENT (Doug Swartz, Lieutenant)

Monthly Report: Lieutenant Swartz distributed the monthly report to the members.

Lieutenant Swartz stated there were 24 arrests made for the month of October. He stated there were two robberies and one has been solved, which was the Heritage Square Pharmacy robbery. During the investigation, they were able to help Bath Twp close a robbery case.

**RECORD OF PROCEEDINGS
CITY OF CANAL FULTON**

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Lt. Swartz stated the second robbery was a self created, as the person that was going to be buying the drugs with the intention of robbing the person.

The department had the K-9 dogs at the school and did a sweep. They did not find any contraband. Lt. Swartz stated they are proud of the kids. Our schools are doing a good job.

FINANCE DIRECTOR (Scott Svab)

Financial Statement: Mr. Svab stated the October financial statement is in packet and will need voice motion.

Purchase Orders and Bills: Mr. Svab stated the purchase orders and bills are included in the packet.

2010 Budget: Mr. Svab stated they are finishing up the finance budget meetings for 2010. He expects to have on the first meeting in January agenda the temporary budget and the permanent budget on the second meeting of January.

Mrs. Zahirsky moved that they are in receipt of the October Financial Statement, seconded by Mr. Losch. **ROLL: Yes, ALL.**

ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry)

Leaf Collection: Mr. Mayberry stated the curbside leaf collection will continue through November 25, 2009.

CITY MANAGER (Mark Cozy)

Ohio Historical Society – Building Doctors: Mr. Cozy stated the City had sent a letter to the Buildings Doctors a few months ago requesting to have them visit the city. He stated he received a letter from the Ohio Historical Society stating there was such a huge response across the state, and we were not chosen for a visit in 2010. We are guaranteed a visit in 2011 at the same cost. Mr. Cozy stated he has requested that they come in May 2011. The Chamber of Commerce and the Fulton House is still on board to sponsor the event.

Canalway Center Report: Mr. Cozy distributed a copy of the Canalway Center monthly report. It includes the year end total for the season. Mr. Cozy stated they collected \$33,000 and the expenses were \$29,000. They are in the black and the goal was to break even.

He will report at a later date if the Heritage Society wants to continue the partnership.

Mr. Cozy stated he met with Stark Parks regarding doing maintenance again in the canal in the spring.

Mr. Svab stated the yearly totals were: \$33,544 in revenue and \$31,549 in expenditures.

REPORT OF MAYOR – Not Present

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

November 17, 2009

Held

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PARKS & RECREATION BOARD (Fred Fleming) - Not Present

LAW DIRECTOR (Scott Fellmeth) -

Mr. Fellmeth wanted to remind council that every 10 years they are required to appoint a charter review commission. Council is to appoint 7 electors from the city to perform a charter review commission to make recommendations to council for their consideration and if valid can put to vote. He stated some of the members from the original commission have expressed an interest in serving on the review commission. He will forward names to Council.

THIRD READINGS - None

SECOND READINGS

Resolution 29-09: A Resolution by the Council of the City of Canal Fulton, Ohio to Adopt the Ohio Ethics Commission Restrictions on Nepotism.

STANDS AS SECOND READING

FIRST READINGS

Resolution 30-09: A Resolution By the Council of the City of Canal Fulton, Ohio Authorizing the City Manager to Enter Into a Contract to Rent the Hatfield Parking Lot.

STANDS AS FIRST READING

Ordinance 36-09: An Ordinance By the Council of the City of Canal Fulton, Ohio for Illicit Discharge and Illegal Connection Control to Its Municipal Separate Storm Sewer System (MS4).

STANDS AS FIRST READING

Ordinance 37-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Implement a Storm Water Management Program.

STANDS AS FIRST READING

Ordinance 38-09: An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 505.11 Regarding Hunting Regulations and Repealing Any Ordinances in Conflict Therewith.

STANDS AS FIRST READING

Note, let the record reflect that on the agenda the Ordinance was recorded as 38-08, the correct number is 38-09.

Ordinance 39-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Partially Accept Streets and Public Utilities for Discovery Park Phase 2.

STANDS AS FIRST READING

Ordinance 40-09: An Ordinance Amending Ordinance 5-09, and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency (Under Suspension of the Rules).

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

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DAYTON LEGAL BLANKS, INC. FORM NO. 10148

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Mrs. Zahirsky moved to suspend the rules on Ordinance 40-09, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension of the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky asked the reason for the emergency. Mr. Svab stated it is to be able to transfer funds to be able to pay off the note.

PURCHASE ORDERS & BILLS

P.O. 5804 to The Bank of New York for Downtown Improvement Bonds, Water Treatment Plant Expansion Bonds and Water Treatment Plant Bond in the Amount of \$191,070.00

Mrs. Downing moved to approve P.O. 5804, seconded by Mr. Losch. **ROLL: Yes, ALL.**

P.O. 5815 to the State of Ohio Treasurer for Ohio EPA 2010 License to Operate Public Water System in the Amount of \$3,941.76.

Mr. Moellendick moved to approve P.O. 5815, seconded by Mr. Losch. **ROLL: Yes, ALL.**

P.O. 5816 to Huntington National Bank to Retire Balance of \$605,000 for 24 Acres Puffenberger Park Property Purchased in November 2005, Plus Interest Due, in the Amount of \$630,712.50

Mrs. Zahirsky moved to approve P.O. 5816, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Bills: \$31,861.49

Mr. Losch moved to approve the bills in the amount of \$31,861.49, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS - None

REPORT OF PRESIDENT PRO TEMPORE (Mrs. Cihon) - Not Present

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Michael Mouse: Mr. Mouse asked about the Ohio Edison representative regarding the \$100,000 and where is the money coming from and why it is going back to the rate payers instead of giving it to the cities.

He called the Ohio Consumers Council and they had no knowledge of Ohio Edison giving grants.

Mrs. Zahirsky stated it still doesn't get PUCO to reduce the rates.

Mr. Mouse asked Mr. Fellmeth who requested him to write the ordinance. He stated he didn't know who gave it to him. He stated he didn't know where it came from.

Mayor Grogan stated he did because they don't have a strong policy in place. (Mayor Grogan was in his office and asked to intervene as he had overheard the conversation).

RECORD OF PROCEEDINGS
CITY OF CANAL FULTON

Minutes of _____

Meeting _____

DAYTON LEGAL BLANK INC. FORM NO. 10148

November 17, 2009

Held _____

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Victor Colaiani: Mr. Colaiani asked why they were partially accepting Discovery Park Phase II. It was stated it is due to the sidewalk not being completed.

ADJOURNMENT

Tammy Marthey, Clerk of Council

James Deans, Vice President

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

29-09

Passed

20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ADOPT THE OHIO ETHICS
COMMISSION RESTRICTIONS ON
NEPOTISM

WHEREAS, the City of Canal Fulton, Ohio desires to adopt the guidelines of the Ohio Ethics Commission for restrictions on nepotism or hiring family members.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to adopt the Ohio Ethics Commission restrictions on nepotism as set forth in attached Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-09, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2009, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the ____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

Ben Rose, *Chair*
Shirley Mays, *Vice Chair*
Merom Brachman
Betty Davis
Ann Marie Tracey

David E. Freel,
Executive Director



OHIO ETHICS COMMISSION
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Columbus, Ohio 43215
Telephone: (614) 466-7090
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www.ethics.ohio.gov

RESTRICTIONS ON NEPOTISM OR HIRING FAMILY MEMBERS: Ethics Commission Information Sheet # 1

I. Introduction

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. "Public agencies" include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ohio Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees.¹ In this information sheet, the word "official" indicates any person who serves a public agency, whether elected, appointed, or employed.

II. Purpose of this Information Sheet

The Commission prepared this information sheet to explain the Law as it applies to situations where a relative of an official seeks a job with the public agency she serves.

III. Summary of the Law

The Ohio Ethics Law and related statutes prohibit an official from:

- Authorizing the employment of a family member; and
- Using the authority or influence of her public position to secure authorization of the employment of a family member.

An official is prohibited from hiring a family member in any employment position, including a full-time, part-time, temporary or permanent position, a position in the classified or unclassified civil service, or a non-civil service position.

In most situations, the Ohio Ethics Law and related statutes do not prohibit family members from being employed by the same public agency, as long as no official has secured a job, or job-related benefits, for her family member.

IV. Prohibition Against Authorizing a Family Member's Employment

R.C. 2921.42 (A)(1) prohibits a public official from authorizing the employment of a family member. A "public official" is any elected or appointed officer, or employee, of the state or any political subdivision of the state.

A "member of [an official's] family" includes the following relatives, regardless of where they reside: (1) spouse; (2) children (whether dependent or not); (3) siblings; (4) parents; (5) grandparents; and (6) grandchildren.² It also includes any other person related by blood or by marriage and living in the same household.³

An official has "authorized" the employment of a family member when the employment could not have been awarded without the approval of the official. In other words, under this section, an official is prohibited from making the final decision about whether a family member should be hired. For example, an official is prohibited from voting to hire a family member.⁴

If the official makes the final hiring decisions for the public agency she serves, her family members cannot be employed by the public agency. For example, a county office holder cannot hire a family member and cannot delegate the authority to hire her family members to a subordinate employee, which means that her family members cannot be hired by her office.⁵ However, a person who worked in the office before her relative is elected is not prohibited from continuing to work for the office, as long as the terms and conditions of her employment are not changed through promotion or other actions described below.

V. Using Position to Secure Job

An official is also prohibited, by R.C. 2921.42(A)(1) from using the "authority or influence of" her public position to secure a job for a family member.⁶ Even if an official abstains from decisions, the law prohibits the official from discussing, recommending, or otherwise using the prestige of her office, formally or informally, to get a family member a job.⁷

R.C. 102.03(D) also prohibits an official from using her position to secure a job for a family member.⁸ R.C. 102.03(D) and (E) prohibit an official from using her influence with other public officers or employees, especially subordinates, to persuade them to hire her family member.⁹

VI. Using Position After Employment

The prohibitions in R.C. 2921.42(A)(1) and 102.03(D) continue after an official's family member has been employed.

R.C. 2921.42(A)(1) prohibits an official from participating in any decision, or using her position to secure any decision, that affects the continuation, implementation, or terms and conditions of a family member's employment.¹⁰ For example, an official is prohibited from participating in matters related to the renewal, modification, or termination of a family member's public employment.¹¹

R.C. 102.03(D) prohibits an official from participating, formally or informally, in any matter that directly affects a family member's employment.¹² For example, R.C. 102.03(D) prohibits an official from securing any employment-related benefits for a family member.

For example, a public official is prohibited from participating in matters affecting her family member's employment including: (1) changes in compensation or benefits; (2) assignment of duties; (3) evaluations; and (4) actions involving promotions, disciplinary actions, lay-offs, and removal.¹³ R.C. 102.03(D) also prohibits an official from influencing the decisions or actions of other officials or employees, particularly subordinates, regarding a family member's job with the public agency or any job-related benefits.

VII. Actions That Are Not Prohibited

R.C. 2921.42(A)(1) and 102.03(D) do not prohibit an official from participating in certain matters in which a family member has an indirect interest or from which a family member may indirectly benefit.

A. Approval of Union Contract: An official is not prohibited from approving a union contract when her relative is a member of the union, unless the relative serves as a union officer, board member, or on the union negotiating team or the official is covered by health insurance under the contract.¹⁴

B. Matters Affecting a Class: The law generally does not prohibit a public official from voting on an ordinance or resolution to fix the compensation of a class of employees, one of whom is a relative of the official. However, an official is prohibited from voting on an ordinance setting compensation for employees if the ordinance: (a) establishes compensation on a basis other than membership in the class of employees; (b) affects the family member's compensation in a differential manner than other members of the class; or (c) secures, renews, modifies, or renegotiates the terms of the family member's job.¹⁵

C. General Appropriations: The law also does not prohibit an official from participating in a general budgetary appropriation that includes money to fund a family member's compensation and benefits, or from participating in budgetary appropriations to a department that employs a family member. However, the appropriation cannot provide the official or employee with the authority or discretion to alter the compensation and benefits for her family member, and must provide compensation and benefits that are identical for all members in the class.¹⁶

VIII. Other Considerations

Where an official's spouse is employed by the public agency she serves, and the official is covered under health insurance provided by the agency to her spouse, there is an additional restriction. In that case, the official is receiving a thing of value, for purposes of R.C. 102.03(D) and (E). While the official is not prohibited from receiving the health insurance coverage, she is prohibited from taking any action to approve the union contract if it includes health insurance benefits and she is covered under those benefits.¹⁷

Any official whose family member has applied for a job with her public agency should ask her supervisors, or legal counsel for the public agency, whether the public agency has a policy or rule regarding employment of family members. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, a governmental entity can have a policy or rule that is more restrictive than the Ethics Law.)

Finally, while the Ethics Law does not absolutely prohibit relatives from working for the same public agency, questions of fairness and impartiality may arise in such situations. Further, such hires may present the appearance of impropriety to the public, even where the public official fully and completely removes herself from participating in the hiring process, as described above. A public agency may be able to minimize these concerns if the agency conducts all hiring activity in a fair, open, and impartial manner.

IX. Penalties

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against her.

R.C. 2921.42(A)(1) is a fourth-degree felony with a maximum penalty of eighteen months in prison and/or a \$5000 fine. R.C. 102.03(D) is a first-degree misdemeanor with a maximum penalty of six months in prison and/or a \$1000 fine.

X. Conclusion

Please contact the Ethics Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission's formal advisory opinions can be obtained from: Ohio Ethics Commission, 8 East Long Street, The Atlas Building, 10th Floor, Columbus Ohio, 432315-2940; telephone (614) 466-7090, and on the Commission's Web site: www.ethics.ohio.gov.

Endnotes:

¹ The ethics agency with jurisdiction over ethics issues related to members and employees of the General Assembly is the Joint Legislative Ethics Committee. The ethics agency with jurisdiction over ethics issues related to judicial officers and employees is the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

² Ohio Ethics Commission Advisory Opinion No. 80-001.

³ Adv. Op. No. 80-001.

⁴ Adv. Ops. No. 85-015 and 97-004.

⁵ Adv. Op. No. 85-015.

⁶ Adv. Ops. No. 92-012 and 98-003.

⁷ Adv. Op. No. 92-012.

⁸ R.C. 102.01(B) and (C); A "public official or employee" includes any person who is elected or appointed to an office or is an employee of any public agency.

⁹ Adv. Op. No. 97-004.

¹⁰ See Adv. Ops. No. 82-003, 89-005, and 92-012.

¹¹ Adv. Op. No. 92-012.

¹² Adv. Ops. No. 90-004, 91-004, and 92-012.

¹³ Adv. Op. No. 92-012.

¹⁴ Adv. Ops. No. 89-005, 92-017, and 98-003.

¹⁵ Adv. Op. No. 92-012.

¹⁶ Adv. Op. No. 91-004.

¹⁷ Adv. Op. No. 92-017.

DEFINITIONS

For purposes of this resolution, the following definitions apply:

1. "Public official or employee" means any person who is elected or appointed to an office, or is an employee of any public agency under the jurisdiction and control of the City of Canal Fulton. Public employee includes part-time interns, paid student help, temporary, intermittent and seasonal employees.
2. "Closely related by blood or marriage" is defined to include, but is not limited to spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.
3. "Significant relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
4. "Business associates" are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
5. "Supervision" means the direct ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline or settlement of disciplinary grievances or appeals of other public employee, including the authority of a board or committee to order personnel actions affecting the job.

All public officials and employees are prohibited from authorizing or using the authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

30-09

Passed

20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AUTHORIZING THE CITY
MANAGER TO ENTER INTO A
CONTRACT TO RENT THE HATFIELD
PARKING LOT.

WHEREAS, the City of Canal Fulton, Ohio desires to increase the amount
of available parking downtown in the historic district of the City, and

WHEREAS, John D. Hatfield desires to lease his parking lot located
adjacent to Canal Street, Market Street and Walnut Street in Canal Fulton.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to enter into a contract with John D.
Hatfield for the rental of his parking lot located adjacent to Canal Street, Market
Street and Walnut Street and authorizes the City Manager to execute same.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do
hereby certify that this is a true and correct copy of Resolution ____-09, duly
adopted by the Council of the City of Canal Fulton, on the date of _____.
2009, and that publication of the foregoing Resolution was duly made by posting
true and correct copies thereof at five of the most public places in said
corporation as determined by Council as follows: Post Office, Public Library,
Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council
Chambers each for a period of fifteen days, commencing on the ____ day of
____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

36-09

Passed

, 20

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO FOR ILLICIT DISCHARGE AND
ILLEGAL CONNECTION CONTROL
TO ITS MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4).

WHEREAS, illicit discharges to the City of Canal Fulton separate storm sewer system create water quality risks to public health, safety, and general welfare; and

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Tuscarawas River and to protect and enhance the unique water resources of the Tuscarawas River, and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Canal Fulton, to develop a Storm Water Management Program that, among other components, requires the City of Canal Fulton to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO THAT:

See Exhibit "A" which is attached hereto and incorporated by reference herein.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Mathey, Clerk-of Council of the City of Canal Fulton, Ohio, do, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____09, duly adopted by the Council of the City

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 36-09

Passed _____, 20____

of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

Exhibit "A"

ORDINANCE FOR ILLCIT DISCHARGE & ILLEGAL CONNECTION CONTROL

WHEREAS, illicit discharges to the City of Canal Fulton separate storm sewer system create water quality risks to public health, safety, and general welfare; and,

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and,

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Tuscarawas River and to protect and enhance the unique water resources of the Tuscarawas River; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Canal Fulton, to develop a Storm Water Management Program that, among other components, requires the City of Canal Fulton to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

NOW, THEREFORE BE IT ORDAINED by the Council of City of Canal Fulton, county of Stark, State of Ohio, that:

SECTION 1: Codified Ordinance *Chapter 907 Illicit Discharge and Illegal Connection Control* is hereby adopted to read in total as follows:

CHAPTER 907

Illicit Discharge and Illegal Connection Control

907.01 PURPOSE AND SCOPE

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Canal Fulton through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- A. To prohibit illicit discharges and illegal connections to the MS4.
- B. To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

907.02 APPLICABILITY

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Canal Fulton, except for those discharges generated by the activities detailed in Section 907.07 (A)(1) to (A)(3) of this regulation.

907.03 DEFINITIONS

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. Canal Fulton: means Canal Fulton, its designated representatives, boards or commissions.
- C. Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- D. Floatable Material: in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- E. Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- F. Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 907.07 of this regulation.
- G. Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- H. Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - 1. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
 - 2. Designed or used for collecting or conveying storm water;
 - 3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

- I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- J. Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- K. Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.
- L. Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- M. Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- N. Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
- O. Stark County Health Department: means the Board of Health of the Stark County Combined General Health District or its authorized representative as authorized by section 3709.05 of the Revised Code.

907.04 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

907.05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Canal Fulton, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

D. Failure of the City of Canal Fulton to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Canal Fulton, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

907.06 RESPONSIBILITY FOR ADMINISTRATION

The City of Canal Fulton shall administer, implement, and enforce the provisions of this regulation.

The City of Canal Fulton may contract with the Stark County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

907.07 DISCHARGE AND CONNECTION PROHIBITIONS

A. Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Canal Fulton to be significant contributors of pollutants to the MS4.
2. Discharges specified in writing by the City of Canal Fulton as being necessary to protect public health and safety.
3. Discharges from off-lot discharging home sewage treatment systems permitted prior to January 1, 2007, by the Stark County Health Department for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02 until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Stark County Health Department.

In compliance with the City of Canal Fulton Storm Water Management Program, discharges from all offlot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging home sewage treatment systems will no longer be exempt from the requirements of this regulation.

B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person is considered to be in violation of this regulation if the person connects a line

conveying illicit discharges to the MS4, or allows such a connection to continue.

907.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS

A. Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The

City of Canal Fulton shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

B. Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

1. The City of Canal Fulton shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
2. The City of Canal Fulton shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Canal Fulton.
3. The City of Canal Fulton shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Canal Fulton to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Canal Fulton and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
5. Unreasonable delays in allowing the City of Canal Fulton access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
6. If the City of Canal Fulton is refused access to any part of the facility from which storm water is discharged, and the City of Canal Fulton demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Canal Fulton may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.
7. Any costs associated with these inspections shall be assessed to the facility owner/operator.

907.09 ENFORCEMENT

A. Notice of Violation. When the City of Canal Fulton finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Canal Fulton may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

1. The performance of monitoring, analyses, and reporting;

2. The elimination of illicit discharges or illegal connections;
 3. That violating discharges, practices, or operations cease and desist;
 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
 5. The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- C. Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.
- D. Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Canal Fulton shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.
- E. Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If a owner/operator has violated or continues to violate the provisions of this regulation, the City of Canal Fulton may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

907.10 REMEDIES NOT EXCLUSIVE

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Canal Fulton to seek cumulative remedies.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 37-09

Passed _____, 20____

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO IMPLEMENT A STORM WATER MANAGEMENT PROGRAM.

WHEREAS, the City Engineer finds that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds resulting in the following:

The increased risk of flooding. Streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water. The increase of storm water runoff rates and volumes can cause flooding, stream channel erosion and sediment transport and deposition;

Damage to fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;

The increase in public expenditures for maintenance of storm water facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;

Damage to adjacent properties, including public right-of-ways, when sediment is deposited on these properties;

Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion;

WHEREAS, soil is most vulnerable to erosion by wind and water during construction activities; and

WHEREAS, 40 C.F.R. Parts 9, 122, and 124, requires designated communities, including City to develop and implement a Storm Water Management Program to address, among other components, erosion and sediment control during soil disturbing activities and post construction storm water quality; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON OHIO THAT:

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 37-09

Passed _____, 20____

See Exhibit "A" which is attached hereto and incorporated by reference herein.

John Grogan, Mayor

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____09, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the ____ day of _____, 2009

Tammy Marthey, Clerk-of-Council

SEF/bp

Exhibit "A"

**City of Canal Fulton
STORM WATER QUALITY
REGULATIONS**



- ✦ SECTION I - CONSTRUCTION SITE RUNOFF
- ✦ SECTION II- POST CONSTRUCTION WATER QUALITY

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⊕ SECTION I

101 Findings/Purpose and Scope

The City Engineer finds that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds resulting in the following:

- ⊕ The increased risk of flooding. Streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water. The increase of storm water runoff rates and volumes can cause flooding, stream channel erosion and sediment transport and deposition;
- ⊕ Damage to fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;
- ⊕ The increase in public expenditures for maintenance of storm water facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;
- ⊕ Damage to adjacent properties, including public right-of-ways, when sediment is deposited on these properties;
- ⊕ Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion;

Where as, soil is most vulnerable to erosion by wind and water during construction activities; and

Where as, 40 C.F.R. Parts 9, 122, and 124, requires designated communities , including City to develop and implement a Storm Water Management Program to address, among other components, erosion and sediment control during soil disturbing activities and post construction storm water quality; and

Where as, Article XVIII, Section 3 of the Ohio Constitution and Chapter 1511 of the Ohio Revised Code grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

Now, THEREFORE BE IT ORDAINED BY THE City Administration Codified **Ordinance 37-09** is here by adopted as follows:

These rules shall apply to all soil disturbing activities on land within the City corporate limits used or being developed for nonfarm commercial, industrial residential, or other nonfarm purposes, including, but not limited to: individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, aquaculture ponds, redevelopment of urban areas and all other uses unless expressly excluded as follows:

- 101.01** Activities related to producing agricultural crops and silviculture operations or areas regulated by the Ohio Agricultural Sediment Abatement Rules (H.B 88)
- 101.02** Strip mining and surface mining operations regulated under Revised Code 1513.01, 1514.01
- 101.03** Normal landscape maintenance activities and gardening/horticulture.
- 101.04** A Storm Water Pollution Prevention Plan is not required before clearing, grading, excavating, filling or otherwise wholly or partially less than 1 (one) contiguous acres of land owned by one person or operated as one development unit; however, areas of less than 1 (one) contiguous acre are not exempt from compliance with all other provisions of these rules.

102 ADMINISTRATION

The Stark Soil & Water Conservation District, acting as the City's duly authorized representative, shall administer these regulations. Staff of the Stark SWCD shall be responsible for the determination of compliance with these regulations and shall, through the Stark SWCD board of supervisors, issue notices and orders as may be necessary.

103 TERMS DEFINED

103.01 INTERPRETATION OF TERMS AND WORDS

.01.1 Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.

.01.2 The term "shall" is always mandatory and not discretionary; the word "may" is permissive. The term "should" is permissive but indicates strong suggestion.

.01.3 The word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Rules their most reasonable application.

Acre: A unit of measure equaling 43,560 square feet.

As-built survey: A survey shown on a plan or drawing prepared and sealed by a Registered Surveyor and/or Engineer indicating information such as, but not limited to: actual dimensions, elevations, and locations of any structures and their components, underground utilities, roads, swales, ditches, detention/retention facilities, storm and sanitary sewers, water quality practices, or other infrastructure and facilities after construction has been completed.

Channel: A natural bed that conveys water. A ditch excavated for water flow.

Cut: An excavation that reduces an existing elevation, as in road or foundation construction.

CPESC: Certified Professional in Erosion Sediment Control.

Detention Structure: A permanent storm water management structure whose primary purpose is to temporarily store water runoff and release the stored runoff at controlled rates. A detention structure remains dry between storm events.

Development Area: Any contiguous area owned by one person or persons, or operated as one development unit, and use being developed for nonfarm commercial, industrial, residential or other institutional construction or alteration which changes the runoff characteristics of a parcel of land.

Ditch: An open channel, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.

Drainage: The removal of excess surface water or ground water from land by surface or subsurface drains.

Drainage Surface Area: An area, measured in a horizontal plane, enclosed by a topographic divide from which surface runoff from precipitation normally drains by gravity into a stream, river or lake above the specified point of measurement.

Drainage Improvement: As defined in O.R.C 6131.01 (C), and/or conservation works of improvement, O.R.C. 1511 and 1515.

Engineer: A Professional Engineer registered by the State of Ohio.

Erosion: The process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of those forces.

Erosion & Sediment Control: The control of soil material, both mineral and organic, during soil disturbing activity to prevent its transport out of the disturbed area by means of wind, water, ice or gravity.

Farm: Land or water devoted to growing crops and nursery crops.

Floodplain: The area adjacent to the channel of a stream or river that is subject to inundation by flood-flows.

Impervious: That which does not allow infiltration.

Land clearing: is any grading, grubbing, excavation, demolition, timbering, filling and any off-site borrow areas.

Landslide: A rapid mass movement of soil and rock materials downhill under the influence of gravity.

Maintenance Agreement- A legally recorded document that acts as a property deed restriction, and which provides for long term maintenance of the post construction water quality structure.

Multi-family development: Apartments, condominiums, duplexes or other similar buildings housing more than one family

One Hundred-Year Frequency Storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1 percent chance of being equaled or exceeded in any given year.

Ordinary high water mark: Defined by the line along the channel bank below which terrestrial vegetation cannot become established and above which aquatic vegetation cannot survive.

Outfall- An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

Person: Any individual, corporation, firm, trustee, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government or any combination thereof.

Pre-construction Meeting: A meeting between the Stark SWCD and all principal parties, prior to the start of any construction, at a site that requires a Storm Water Pollution Prevention Plan.

Pre-Winter Stabilization Meeting: A meeting between the Stark SWCD and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a Storm Water Pollution Prevention Plan.

Qualified Person: Professional Engineer or Surveyor, Landscape Architect, Soil Conservationist, Certified Professional in Erosion/Sediment Control or any person having completed a minimum of 20 hours of accredit training in erosion sediment control.

Retention Structure: A permanent structure whose primary purpose is to permanently store a given volume of storm water runoff for release of the given volume by infiltration and/or evaporation. A retention structure maintains a permanent pool of water.

Riparian area: Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants.

Sediment: Soils or other surface materials that can be transported or deposited from its site of origin by the action of wind, water, ice or gravity as a product of erosion.

Sedimentation: Deposition of sediment particles in water bodies.

Sediment Basin: A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transported sediment to settle and be retained prior to discharge into waters of the State.

Sediment Pollution: Degradation of Waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil disturbing activities on land used or being developed for commercial, industrial, residential or other nonfarm purposes.

Silviculture: The care/planning and harvesting of forested trees.

Sloughing: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

Soil Conservation: The use of the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.

Soil disturbing Activity: A clearing, grading, grubbing, excavating, demolition, timbering, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

Soil and Water Conservation District: The agency responsible for implementing these regulations as organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as the Stark SWCD.

Soil Loss: Soil moved from a given site by the forces of erosion, measured using "T".

Stabilization: The installation of vegetative and/or structural measures to establish a soil cover in order to reduce soil erosion by storm water runoff, wind, ice, and gravity.

Stark SWCD: The office responsible for administering sediment pollution and/or storm water runoff control programs.

Storm Drain: A conduit, pipe, or human-made structure, which serves to transport storm water runoff.

Storm Water Management: Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

Storm Water Pollution Prevention Plan (SWPPP):

Storm Water Runoff: The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a stream, ditch, storm sewer or other concentrated flow during and following the precipitation.

Stream: A body of water running or flowing on the earth's surface in which flow may be perennial and/or seasonally intermittent.

Subsoil: That portion of the soil below the topsoil or plow layer, beginning 6-12" below surface down to bedrock parent material.

T: The soil loss tolerance expressed in tons per acre per year as determined by the USDA Revised Universal Soil Loss Equation (RUSLE)

Temporary Soil Erosion and Sediment Control Measures: Interim control measures which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

Timbering: removing trees in preparation of earthwork or site prep.

Top soil: The upper layer of soil that is usually darker in color and richer in organic matter and nutrients than the subsoil.

Unstable Soils: A portion on land surface or area which is prone to slipping, sloughing, landslides or is identified by Natural Resource Conservation Service, USDA methodology as having a low soil strength.

Watercourse: A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently; e.g. streams.

Watershed: The total drainage area contributing runoff to a single point.

Water quality volume (WQv): The volume equal to $\frac{3}{4}$ inch of runoff multiplied by the area draining to the BMP and the weighted runoff coefficient of the contributing area.

104 REGULATED ACTIVITIES

104.01 This regulation requires that when a proposed soil disturbing activity, land clearing, grading, excavating, filling and timbering project on land used or being developed, either wholly or partially, for nonfarm residential, commercial, industrial, recreational or other nonfarm purposes consisting of one (1) or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas or other limited nonfarm uses, the owner of said land shall prepare and file with the Stark SWCD a Storm Water Pollution Prevention Plan (SWPPP). Areas of less than one (1) contiguous acre shall not be exempt from compliance with other provisions of these rules including but not limited to installing and maintaining erosion/sediment control practices to prevent sediment from depositing into local creeks, ditches, ponds or onto existing landowners properties.

104.02 The submitted plan must be approved by the Stark SWCD before the start of any soil disturbing activity. The plan must be designed by a qualified professional preferably certified in the field of erosion/sediment control and be sealed by a Registered Professional Engineer in the State of Ohio.

104.03 The SWPPP plan shall be submitted to the Stark SWCD for review no less than thirty (30) days before any soil disturbing activity at the proposed site.

104.04 Erosion and sediment control practices used to satisfy the performance criteria of these rules shall meet the specifications provided in the most *current edition* of The Ohio Rainwater & Land Development Manual, Ohio's Standards for Storm Water Management & Land Development and Urban Stream Protection, published by the Ohio Department of Natural Resources or other approved equals. The Stark SWCD and or City engineer shall review any new or innovative practice before incorporating them into a plan.

104.05 The SWPPP must meet minimum requirements listed in the most recent Ohio EPA Construction General Permit and shall be accompanied by proof of compliance and/or notification with required natural resource permits and documentation relevant to the project, including:

.1 Proof of compliance with the Ohio Environmental Protection Agency (OEPA) General Storm Water National Pollution Discharge Elimination System (NPDES) permit. Proof of compliance shall be a copy of NPDES permit Notice of Intent (NOI), and/or a copy of the NPDES permit number, and/or a copy of OEPA Director's Authorization letter for the NPDES permit.

.2 Proof of compliance with Section 404 of the Clean Water Act administered by the US Army Corps of Engineers for streams, wetlands, and waterways under its jurisdiction. Proof of compliance shall be a copy of the US Army Corps of Engineers permit number, and/or project approval letter from a US Army Corps of Engineers agent. A Wetland Delineation must be verified by the US Army Corps of Engineers.

.3 Proof of compliance with the Ohio Dam Safety Law administered by ODNR Division of Water: Proof of compliance shall be a copy of the ODNR permit number, and/or project approval letter. If the dam is exempt from the Ohio Dam Safety Laws, a letter from the site owner certifying and explaining the criteria for exemption is required.

.4 Proof of compliance with Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S Army

Corps of Engineers at the time an application is made under this regulation.

104.06 The owner and/or developer of said land shall meet with the Stark SWCD for a pre-construction meeting no less than seven (7) days prior to soil disturbing activity at the site. It is the responsibility of the developer/contractor to contact the SWCD to schedule a meeting date.

104.07 The developer's delegated representative shall perform first inspection of erosion and sediment control practices to certify that the practices comply with the approved plan no less than two (2) working days after the start of the project. An inspection report confirming this should be completed by the developer's delegated representative and if requested, sent to the Stark SWCD confirming said inspection.

104.08 If the site is, or plans to remain active through the winter months, a pre-winter stabilization meeting shall be held by the developer of said land and/or delegated representative of the project and the Stark SWCD prior to October 1st.

104.09 Upon completion of all construction and final stabilization of the entire construction site, the owner or delegated representative of said land shall contact the Stark SWCD through written notification that construction is complete and final stabilization, as specified in the Rainwater & Land Development Book, has been achieved.

105 PERFORMANCE STANDARDS

105.01 All properties adjacent to the site of soil disturbing activity shall be protected to the maximum extent practicable from soil erosion and sediment runoff and drainage, including, but not limited to private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

105.02 Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to the Ohio EPA Construction General Permit, the most current edition of the Ohio Rainwater and Land Development Manual and shall conform and comply to the most current Ohio Environmental Protection Agency, Ohio Revised Code chapter 6111 requirements.

105.03 SWPPP approvals issued in accordance with these rules do not relieve the owner of responsibility for obtaining all other necessary permits and or approvals from federal state, and/or county agencies (see section 104.05). If City requirements vary or conflict, the most stringent requirements shall be followed.

105.04 An SWPPP plan is considered complete when it contains all items listed in these regulations and the Ohio EPA Construction General Permit Part III under SWP3 requirements.

105.05 Road and highway transportation projects that fall under these regulations may follow the specifications in the most current ODOT Manual for SWPPP submittals.

106 APPLICATION PROCEDURES FOR THE SWPPP

106.01 Two (2) copies of the SWPPP, one (1) a full set of construction plans, for all projects that will disturb 1 or more acres of land shall be submitted to the Stark SWCD for review and approval prior to any earth disturbing activity. Any plans which are subject to the City Subdivision Regulations must have written approval of the City engineer.

106.02 The Stark SWCD shall review the SWPPP and approve or return for revision with comments and recommendations for revision, within thirty (30) working days of receipt. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and procedures for filing a revised plan. At the time of receipt of a revised plan, another 30-day review period shall commence.

106.03 Approved plans shall remain valid for two years from the date of approval. A variance may be requested in writing to the Stark SWCD Board for an SWPPP extension before the 2 year deadline or a revised SWPPP submitted for review.

107 FEE

Review Fee Schedule

<u>Plan Review</u>	Fee	
Preliminary Plan	\$15.00 / acre Minimum charge - \$75.00	
Storm Water Pollution Prevention (SWPPP) Plan	\$20.00 / acre * Minimum charge - \$100.00	
*A revised SWPPP submitted for review after plan approval will be re-billed at \$20.00 per acre with a \$100.00 minimum.		
<i>Active sites are inspected every two weeks for compliance. The site inspection fee will be billed with the SWPPP review per phase.</i>		
<u>Site Inspections **</u>	Fee	
Sites 1 – 5 acres	\$250	
Sites 6 – 10 acres	\$800	
Sites 11 – 20 acres	\$1300	
Sites 21 – 50 acres	\$1700	
Sites larger than 50 acres	\$2000	
** Please note: Non-compliance sites will incur an additional inspection fee of \$45.00 / hour for each inspection required until site meets compliance		

108 MONITORING THE PERMIT FOR COMPLIANCE

108.01 Sites are immediately considered non-compliant for the following reasons:

- (1) Soil disturbing activities without an earth disturbance permit.
- (2) Soil disturbing activities without an approved SWPPP.
- (3) Soil disturbing activities without an Ohio EPA NPDES Permit.

(4) Soil disturbing activities without a pre-construction meeting.

108.02 Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections will be performed by the Stark SWCD for compliance with these rules. If it appears that a violation of any of these rules has occurred, the owner and developer will be notified of deficiencies or noncompliance in writing through a notice of violation by proof of delivery mail. If within 30 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, a second notice of violation will be issued. The owner or developer has another 15 days to rectify the violation or a "stop work order" will be issued immediately by the City engineer.

108.03 If the City or the Stark Soil & Water Conservation District, acting as the City duly authorized representative, determines that a violation exists, they may request the City solicitor in writing and shall seek an injunction to cease work immediately until compliance with these rules. A court may also order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than \$100.00 or more than \$500.00 for each day of a rule or stop work order.

108.04 The Stark SWCD may require revisions to the SWPPP as necessary to achieve compliance to these rules.

108.05 A final inspection will be made to determine if the criteria of these rules have been satisfied and a report sent to the City on the compliance status of the site.

109 VARIANCE TO RULES

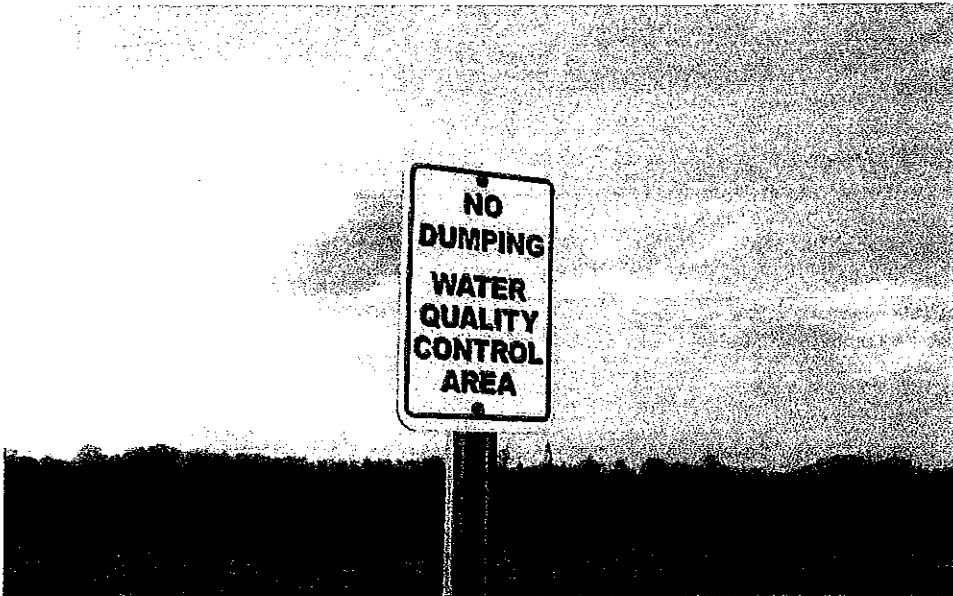
109.01 The Stark SWCD with responsibility for plan review and approval may grant a written variance from any requirement of these rules if there are special conditions applicable to the site such that strict adherence to the provisions of these rules will result in unnecessary hardship and not fulfill the intent of these rules. A written request for variance shall be provided to the Stark SWCD and shall state the specific variances sought and the reasons with supporting data for their granting. The Stark SWCD shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The Stark SWCD will conduct its review of the request for variance within 20 (twenty) working days.

Adverse economic conditions shall not be a valid reason to grant a variance.

110 DISCLAIMER of LIABILITY

110.01 Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person or property otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

✚ SECTION II



111 Post Construction Water Quality

In order to control Post Construction water quality damage and damage to public and private lands, the owner/developer of each development area or redevelopment area shall be responsible for incorporating appropriate water quality measures both structural and non structural practices into the Storm Water Pollution Prevention Plan (SWPPP) for the project. Post Construction BMP's are required on all sites where the larger common plan of development or sale calls for 1 or more acres of land disturbance and shall comply with the most recently amended Construction General Permit for storm water discharges associated with construction activities. If requirements vary, the most stringent requirements shall be followed.

Construction activities shall be exempt from these requirements if it can be demonstrated that these post construction storm water management requirements have been provided as part of a larger common plan of development or they are addressed in a regional or local storm water management plan. Linear projects which can show that they will not create impervious surfaces are exempted from these requirements.

Road and highway transportation projects that fall under these regulations may follow the requirements/specifications in the most current ODOT Location and Design Manual for Post Construction Water Quality submittals.

112 Water Quality Volume Determination Requirements

Water Quality Volume (WQv) shall be the equivalent to the volume of runoff from a ¼ inch rainfall. This shall be determined according to the methods and specifications outlined in the most recently amended Construction General Permit for storm water discharges associated with construction activities in addition to the following criteria:

- ⊕ The storm water quantity volume must be stacked on top of the storm water quality volume for any storm water facility that will also serve as the post construction water quality facility.
- ⊕ The water quality orifice cannot be less than 2 ½ inches in diameter.
- ⊕ Non structural practices must be protected in perpetuity through the use of appropriate legal tools. All legal easements or buffer areas must appear on the final plat per the City Sub-division Regulations and be disclosed to potential buyers.
- ⊕ Any manufactured water quality practice must be construction certified by a representative of the company or engineer representing the developer of its correct installation.

113 Maintenance Requirements

Any portion of the permanent post construction water quality management systems that are constructed by the landowner/developer will be continuously maintained into perpetuity. The project landowner/developer is only required to maintain all temporary and permanent facilities throughout the construction process and until the final inspection and as built documentation. At that time, maintenance responsibility will transfer to the controlling entity/operator (i.e. the person/parties named in the post construction maintenance plan). Workshops for these controlling entities will be made available through the Stark SWCD detailing the long term responsibilities.

The Stark SWCD will inspect post construction practices that fall under the categories in Table 2 of the Ohio EPA GCP. Separate Memorandums of Understanding (MOU's) with the City will outline the extent of these inspections and any applicable appropriations. Inspection reports, detailing the maintenance needs and a timeline to complete them, will be sent to the City and person/parties responsible for long term maintenance. The City administration shall ensure the work done.

An as built survey shall be submitted to the Stark SWCD and City engineer for all water quality structural practices prior to the Notice of Termination (N.O.T)

submittal and sealed by a professional Surveyor or Engineer licensed by the State of Ohio.

Detail drawings and maintenance plans shall be provided to Stark SWCD and City engineer for all Post Construction Best Management Practices (BMPs) prior to plan approval and shall include the following information:

- ☐ Cover sheet with site name and date.
- ☐ Name and number of the party or association responsible for post construction long term maintenance.
- ☐ List of all post-construction BMP's, structural and non-structural with all supporting design data.
- ☐ Instructions on how and when the practices are to be maintained along with an inspection schedule.
- ☐ A detail drawing of the BMP's listed.
- ☐ A copy of any required easements and/or deed restrictions.

Maintenance plans must ensure that pollutants collected within structural post construction BMP practices are disposed of in accordance with local, state and federal guidelines.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 38-09

Passed _____, 20____

AN ORDINANCE AMENDING
THE CODIFIED ORDINANCES OF
THE GENERAL OFFENSES CODE
OF THE CITY OF CANAL FULTON,
OHIO IN ORDER TO AMEND
CHAPTER 505.11 REGARDING
HUNTING REGULATIONS AND
REPEALING ANY ORDINANCES IN
CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Chapter 505.11 of the Codified Ordinances of the General Offenses Code of Canal Fulton, Ohio regarding hunting regulations be amended, and

WHEREAS, a public hearing with notice as required by law has been held.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Title Five Chapter 505.11 of the Canal Fulton, Ohio General Offenses Code shall read:

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) Notwithstanding the above provision, hunting by means of bow and arrow or crossbow only, shall be permitted within the municipality on privately owned property in areas zoned as Rural Residential (RR), provided such hunting is conducted with written permission of the property owner and in accordance with all applicable laws, rules and regulations of the Ohio Division of Wildlife. The premises upon which said hunting is conducted must be a single parcel of land no less than five (5) acres in size. Registration with the Canal Fulton Police Department is required. The Chief of Police or his designee may prohibit hunting upon any lands where, in his/her opinion, such hunting would constitute a potential hazard to the safety of persons or property.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 38-09

Passed _____, 20____

(c) Whoever violates any provision of this section shall be guilty of a minor misdemeanor. If a violation of any provision of this section results in physical harm to any person or property, the violator shall be guilty of a misdemeanor of the fourth degree.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 09, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the ____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 39-09

Passed _____, 20____

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON
OHIO TO PARTIALLY ACCEPT
STREETS AND PUBLIC UTILITIES
FOR DISCOVERY PARK PHASE 2.

WHEREAS, streets and public utilities constructed in Discovery Park Phase 2 have been found by the City Engineer to be constructed in accordance with the drawings, specifications and design standards in effect, and to be in good repair, and

WHEREAS, the City Engineer has reported that streets and public utilities in Discovery Park Phase 2 are suitable for acceptance and maintenance by the City except for the construction of certain sidewalks, and

WHEREAS, the project has satisfactorily completed the 2 year maintenance period.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON OHIO THAT:

The public streets accepted heretofore for dedication and public utilities in Discovery Park Phase 2 are hereby accepted for public use and maintenance, and the bonds thereon are released except for the sidewalk bond hereto attached as Exhibit A.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____09, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the ____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

Exhibit A
Schalmo Properties, Inc
Open Bonds in Place

Open Bonds in place	Development	Amount of Bond in 2008	Work completed in 2008	Balance of work to be completed	Timetable for work completion
B21869569	Highlands at Autumn Meadows	\$2,400	All walks completed in 2007, balance of walks are platted with Discovery IV	\$0	Not applicable
5024889	Discovery Park IV	\$72,000	6 lots sold in 07 & 08 reduce bond by 6 walks 80' x 4' x \$2.00 Value \$3,840.	\$88,160 30,080 sf walks @\$2.00 Street lights \$8,000	Walks see note below Street Lights to be completed no later than 7/1/2011
5012709	Discovery Park II	\$4,410	no work completed in 2008	\$4,410 2,205 sf walks @\$2.00	Walks only see note below
5024090	Spring Morning	\$8,600	1 lot sold - reduce bond by 1 sidewalk - 80' x 4' x \$2.00 Value \$720	\$7,880 3,940 sf walks @ \$2.00	Walks only see note below
145754	Brookview Acres III	\$6,824	All work completed with exception of 2 lots Value of uninstalled walks is \$1,600 200' x 4' x \$2.00	\$1,600 800 sf walks @\$2.00	Walks only see note below
Total of Bonds		\$94,234	Balance of uncompleted work	\$82,050	
NOTE: City walks will be completed upon sale of lot and within 90 days of completion of construction. This is to insure that walks do not get damaged during construction and that the proper setting has taken place prior to placement.					

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

31-09

Passed

20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON
OHIO TO ENTER INTO A
SUPPLEMENTAL SEWER SERVICE
AGREEMENT WITH STARK COUNTY,
OHIO.

WHEREAS, the City of Canal Fulton, Ohio and Stark County, Ohio entered into a sewer service agreement on August 6, 1981, Supplemental No. 1 on March 11, 1997, and Supplemental No. 2 on June 8, 1999, said Agreements referred to as the Basic Agreement; and

WHEREAS, the City and the County find it necessary to enter into a supplemental agreement for the purpose of modifying the Basic Agreement; and

WHEREAS, the County has heretofore established Stark County Metropolitan Sewer District (hereinafter referred to as the "District") for the purpose of preserving and promoting the public health and welfare, the boundaries thereof being all of the unincorporated territory in the County, together with the Villages of East Sparta, Hills and Dales, Meyers Lake, East Canton, Waynesburg and the Stark portion of the Village of Magnolia; and

WHEREAS, the City and the County have determined accordingly to enter into a Supplemental Agreement to give effect to their common objectives as recited herein, the City being authorized to do so by Article XVIII of the Ohio Constitution and, to the extent required, by Ohio Revised Code, Sections 307.14 et.seq., and the County being so authorized by the Ohio Revised Code, including also Revised Code Sections 307.14 et.seq., and, in addition, Chapter 6117 thereof.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to enter into an agreement with Stark County, Ohio known as the Canal Fulton-Stark County Sewer Service Agreement Supplemental No. 3 which is attached hereto and incorporated by reference herein.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-09, duly

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

31-09

Passed

20

adopted by the Council of the City of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

Agreement

Stark County Commissioners

With Canal Fulton

Dated _____

Distribution:
Journal
Sanitary Engineer
Canal Fulton
File

Subject

CANAL FULTON - STARK COUNTY SEWER SERVICE AGREEMENT SUPPLEMENTAL NO. 3

THIS SUPPLEMENTAL AGREEMENT made and entered into this ____ day of _____, 2009 by and between the County of Stark, Ohio (hereinafter referred to as the "County"), duly authorized by a resolution adopted by the Board of County Commissioners on the ____ day of _____, 2009, and the City of Canal Fulton, Ohio (hereinafter referred to as the "City"), duly authorized in its behalf by Ordinance No. ____ passed by its Council on the ____ day of _____, 2009.

WHEREAS, the City and the County entered into a sewer service agreement on August 6, 1981, Supplemental No. 1 on March 11, 1997, and Supplemental No. 2 on June 8, 1999, said Agreements referred to as the Basic Agreement; and

WHEREAS, the City and the County find it necessary to enter into a supplemental agreement for the purpose of modifying the Basic Agreement; and

WHEREAS, the County has heretofore established Stark County Metropolitan Sewer District (hereinafter referred to as the "District") for the purpose of preserving and promoting the public health and welfare, the boundaries thereof being all of the unincorporated territory in the County, together with the Villages of East Sparta, Hills and Dales, Meyers Lake, East Canton, Waynesburg and the Stark portion of the Village of Magnolia; and

WHEREAS, the City and the County have determined accordingly to enter into this Supplemental Agreement to give effect to their common objectives as recited herein, the City being authorized to do so by Article XVIII of the Ohio Constitution and, to the extent required, by Ohio Revised Code, Sections 307.14 et. seq., and the County being so authorized by the Ohio Revised Code, including also Revised Code Sections 307.14 et. seq., and, in addition, Chapter 6117 thereof;

WHEREAS, the same terms used herein have the definitions as described in the Basic Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, Canal Fulton and Stark hereby promise and agree that:

ARTICLE 1.0 - County Service Area

The County service area as defined in Section 1 of the Basic Agreement shall be redefined as described in Exhibit "A" attached hereto and hereby incorporated by reference herein. This service area represents a portion of the Canal Fulton facilities planning area as shown in the 208 Clear Water Plan Update, approved in 2005 and also includes two areas in Summit County identified as the Clinton Service Area and the Spring Valley Allotment Extension in Franklin Township. However, this Agreement may be extended to other areas beyond the service area by a supplemental agreement.

End Of Article 1.0

ARTICLE 2.0 - Conveyance

1) Territory in the County's service area that is annexed to the City will remain as part of the County's service area for sanitary sewer service. For the territory so annexed, the County will continue to maintain complete jurisdiction as it relates to rules and regulations for providing sanitary sewer service including levying of the County's connection charges, user fees and any other charges or fees established in accordance with County resolutions for that purpose.

2) However, the City may, at its option, request the conveyance of jurisdiction over the County's sewerage facilities and/or customers and/or service area annexed into the City as set forth herein below:

a.) For purposes of this agreement, the word "developed" in reference to property or territory shall mean property or territory where there is an existing and operable sanitary sewer system, which is available for current or prospective customers. Further, for purposes of this agreement, the term "undeveloped" with regard to property or territory shall mean any property or territory that is not "developed."

b.) In the case of territory that is undeveloped, the City may request the sanitary sewer service rights at no charge.

c.) In the case of developed property, the City may purchase the existing accounts and facilities based on their present worth. Any debt assigned specifically to the facilities shall be taken into account in calculating the value.

In addition to the compensation described above, where conveyance of jurisdiction over territory is requested, no such conveyance shall be complete until the County, by its board of county commissioners, shall have adopted a conveyance resolution specifically identifying the territory so conveyed.

3) The City and the County shall allow use of, and connection to, their sewerage facilities by the other party at no charge or cost provided the Sanitary Engineer, in the case of the County, and the City Engineer, in the case of the City, determine that the taking effect of capacity and connection required by the other party shall not adversely impact the needs of the party owning the facility. However, if either party requires capacity at any points of connection, in amounts greater than is needed by the party who owns the facility, then the party requesting the additional capacity shall pay for over sizing of facilities as appropriate.

If and to the extent required, any and all other provisions of the Basic Agreements which may be inconsistent with the terms of this Supplemental Agreement, are hereby amended so as to conform hereto.

Except as amended hereby, the Basic Agreements are hereby confirmed in all other respects.

Page 3
CANAL FULTON - STARK COUNTY
SUPPLEMENTAL NO. 3

IN WITNESS WHEREOF, the County and the City have caused this Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

APPROVED AS TO FORM:

CITY OF CANAL FULTON

Canal Fulton Law Director

Mayor

APPROVED AS TO FORM:

COUNTY OF STARK

Assistant Prosecuting Attorney
Stark County

Commissioner

Commissioner

Commissioner

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

32-09

Passed

20

UNDER SUSPENSION
THE RULES

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON
TO ENTER INTO AN AGREEMENT
WITH THE STARK COUNTY PUBLIC
DEFENDER COMMISSION AND THE
OHIO PUBLIC DEFENDER COMMISSION
TO PROVIDE MUNICIPAL ORDINANCE
REPRESENTATION FOR INDIGENT
DEFENDANTS AND DECLARING AN
EMERGENCY.

WHEREAS, The City of Canal Fulton has sought a proposal for Municipal Ordinance Representation for Indigent Defendants, and

WHEREAS, The Stark County Public Defender Commission and the Ohio Public Defender Commission has submitted a proposal acceptable to the City to provide the professional legal services needed to accomplish this.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: The City of Canal Fulton agrees to enter into an agreement with the Stark County Public Defender Commission and the Ohio Public Defender Commission to provide professional legal services for Indigent Defendants pursuant to Section 3 of the pre-existing Contract for Municipal Ordinance Representation commencing January 1, 2010 and terminating December 31, 2010.

Section 2: The Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety and welfare of the City of Canal Fulton, such emergency arising from the expiration of the current contract on December 31, 2009, wherefore this Resolution shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-09, duly adopted by the Council of the City of Canal Fulton, on the date of _____.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 00045

Resolution No.

32-09

Passed

, 20

and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2009.

Tammy Marthey, Clerk-of-Council

SEF/bp

CONTRACT FOR MUNICIPAL ORDINANCE REPRESENTATION

This Agreement is entered into by the Stark County Public Defender Commission (the "**COMMISSION**"), and the City of Canal Fulton, Ohio (the "**CITY**").

WHEREAS, **CITY** recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offenses in Municipal Court; and

WHEREAS, **CITY** in furtherance of the execution of its legal responsibilities desires that the legal services of the Public Defender Office be delivered to **CITY'S** indigent citizens and others so situated;

NOW, THEREFORE, the parties do mutually agree to bind themselves as follows:

1. **Scope of Work**

COMMISSION shall, in a satisfactory and proper manner, under the terms and conditions contained herein, perform the services set out in the "Work Plan" as follows:

Work Plan

COMMISSION shall provide Public Defenders to be available in the Canal Fulton Municipal Court to represent indigents charged under City Ordinances, thus allowing **CITY** continuing representation in conformance with Chapter 120 of the Ohio Revised Code. It is understood by both parties that the representation presently provided to indigents charged under the Ohio Revised Code will be continued by **COMMISSION** and is in no way affected by this Agreement.

2. **Compensation**

CITY shall pay to **COMMISSION** compensation for representation by **COMMISSION** on City ordinance jailable offenses as follows:

- A. For purposes of this Agreement, a "case" is defined as follows:
- (i) one or a series of related traffic or criminal charges which are assigned the same case number; or
 - (ii) one or a series of related traffic or criminal charges which are assigned separate case numbers; or
 - (iii) one or a series of unrelated traffic or criminal charges which are assigned separate case numbers which are administratively processed together for ease of disposition (However, a current arrest where there are outstanding warrants on separate unresolved and unrelated charges constitute separate cases if the offense is tried to a verdict to the court or to a jury.)

- B. In any case where the principal offense or count one constitutes a City ordinance jailable offense, **CITY** shall pay **COMMISSION** a fee of \$195.00 for representation in the case, regardless of the manner of disposition of the case.
- C. In any case where the principal offense or count one is charged under State statute with additional or secondary offenses charged as a City ordinance jailable offense or offenses, **CITY** shall pay **COMMISSION** a fee of \$195.00 for representation, provided that the City ordinance jailable offense(s) are tried to a verdict to the Court or to a jury. (In other words, no compensation shall be paid for such cases which are disposed of by pleas.)
- D. In any case where the principal offense is charged as a felony or felonies, with additional lesser included or associated or unassociated City ordinance jailable offenses, **CITY** shall pay **COMMISSION** a fee of \$195.00 for representation on the City ordinance jailable offense(s), provided that one of the following applies:
 - (i) The case(s) are bound over to the Stark County Grand Jury and the City ordinance offense(s) are returned to the Canal Fulton Municipal Court; or
 - (ii) The Canal Fulton Municipal Court retains jurisdiction of the City ordinance offense(s) apart from the felony case or cases which are bound over to the Stark County Grand Jury and a further appearance is required by the **COMMISSION** on behalf of Defendant.
- E. The Stark County Public Defender shall be entitled to a single fee for any one case, regardless of the number of separate offenses contained therein. No additional fee shall be paid if the Defendant fails to appear and is arrested requiring subsequent Court appearances. The fee of **\$195.00** encompasses all work required to provide representation, including pre-trial and post-trial work in the Municipal Court.

COMMISSION will bill **CITY** four (4) times per year (March 31, June 30, September 30, and December 31) for the amount of City ordinance cases assigned to **COMMISSION**. In the event that **CITY** fails to make full payment within thirty (30) days after receipt of invoice, then interest shall accrue at the rate of ten percent (10%) (per annum). The interest shall accrue beginning with the first day after the thirty (30) day period and be calculated on any unpaid balance until full payment is received. The formula for computation of any interest shall be as follows:

Total amount due X 10% : 365 = N x number of late days.

3. **Term of Service**

The duration of this contract shall be for the period commencing January 1, 2010 and shall terminate December 31, 2010 with an option to renew this contract for a period of one (1) year, commencing January 1, 2011 and terminating December 31, 2011.

4. **Assignment**

COMMISSION shall not assign all or any part of this Agreement without the prior written consent of **CITY**, which consent shall not be unreasonably withheld.

5. **Termination of Agreement**

If either party shall fail to fulfill in reasonable, timely or proper manner, its obligations under this Agreement, or if either party should substantially violate any of the covenants, agreements or stipulations of this Agreement, the other party shall thereupon have the right to terminate this Agreement by giving written notice to the party violating this Agreement of such termination and specifying an effective date thereof of at least sixty (60) days before the effective date of said termination. However, notwithstanding the above clause, **COMMISSION** shall have the separate and additional right to discontinue the service provided by **COMMISSION** under this contract, without notice, if payment of a quarterly invoice is not received within thirty (30) days of invoice. The decision to suspend or continue service under the contract upon non-payment of an invoice with thirty (30) days is discretionary with **COMMISSION**. The suspension or continuation of services by **COMMISSION** shall have no effect upon the obligation of payment of an invoice or the calculation of interest as set forth elsewhere in this contract. (If service is suspended, it shall be provided again when payment plus interest is received.)

6. **Amendments**

Any amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. **Anti-Discrimination Provision**

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to, but not be limited to, employment, promotion or transfer, recruitment or recruitment advertising, layoffs or termination, raises of pay or other forms of compensations, and selections of training. **COMMISSION** shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. **Conflict of Interest**

COMMISSION covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No resident commissioner shall share in any part of this contract or any benefits to arise here from.

9. **Re-Negotiation of Agreement**

Upon a thirty (30) day written notice either party may re-negotiate this agreement for good cause.

10. **Determination of Indigency**

The Standards of Indigency and other rules and standards as established by the Ohio Public Defender Commission and the State Public Defender shall be used in determining an individual's indigent status and the appointment of the services of the Public Defender shall be in conformity with those standards.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Canal Fulton, Ohio, this ____ day of _____, 2009.

WITNESSES

**STARK COUNTY PUBLIC DEFENDER
COMMISSION**

BY: _____

CITY OF CANAL FULTON, OHIO

BY: _____

**OHIO PUBLIC DEFENDER
COMMISSION**

BY: _____

APPROVED AS TO FORM:

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 41-09

Passed _____, 20____

AN ORDINANCE AMENDING
ORDINANCE 4-09, RATE OF PAY
FOR INCOME TAX CLERICAL,
AND REPEALING ANY
ORDINANCES IN CONFLICT
THEREWITH, AND DECLARING
AN EMERGENCY.

WHEREAS, the Canal Fulton City Council has established rates of pay
for part-time employees, and

WHEREAS, adjustments are to be made to their pay, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

Section 1: Rates of pay of non-safety services part-time employees shall be
established as follows:

GENERAL GOVERNMENT	HOURLY RATE		
	YEAR 1	YEAR 2	YEAR 3
Street Department	\$11.33	\$11.90	\$12.49
CDL, Part-Time Laborer			
Custodian/Maintenance	\$10.08	\$10.59	\$11.12
Custodian/Maintenance	\$10.08	\$10.59	\$11.12
Groundskeeper -- Summer	\$10.08	\$10.59	\$11.12
Casual Laborer	\$ 7.63	\$ 8.01	\$ 8.42
Income Tax Clerical - Part-Time	\$ 8.32	\$ 9.35	\$10.38
Finance Clerical - Part-Time	\$ 8.32	\$ 9.35	\$10.38
Payroll Clerk	\$11.33	\$11.90	\$12.49
Community Service Coordinator	\$11.33	\$11.90	\$12.49
Part-Time Canalway Programs Director	\$11.33	\$11.90	\$12.49
Park Program Coordinator Assts.	\$ 8.32	\$ 9.35	\$10.38

The Income Tax Clerical rate of pay beginning January 1, 2010
shall be \$11.33 per hour.

All other positions shall have a wage freeze.

Section 2: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance is hereby determined to be an emergency measure,
the immediate passage of which is necessary for the preservation
of the public peace, health, safety, and welfare of the City of Canal
Fulton, such emergency arising so that changes can be effective
January 1, 2010, wherefore, this ordinance shall take effect and be
in full force immediately upon its passage.

John Grogan, Mayor

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 41-09

Passed _____, 20____

ATTEST:

Tammy Marthey, Clerk of Council

I, Tammy Marthey, Clerk of Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Ordinance _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the _____ day of _____, 2009.

Tammy Marthey, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 33043

Ordinance No. 42-09

Passed _____, 20____

AN ORDINANCE AMENDING
ORDINANCE 6-09, SECTION OF
RATES OF PAY FOR FIRE
CAPTAINS AND ELIMINATING
FIRE LIEUTENANT POSITION,
AND REPEALING ANY
ORDINANCES IN CONFLICT
THEREWITH, AND DECLARING
AN EMERGENCY.

WHEREAS, the Canal Fulton City Council has established rates of pay for part-time employees, and

WHEREAS, adjustments are to be made to their pay, and

WHEREAS, this change is to be retroactive to January 1, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

Section 1: Rates of pay of part-time safety forces employees shall be established as follows:

<u>FIRE DEPARTMENT</u>	<u>PER YEAR</u>
Chief	\$13,000.00
Assistant Chief	\$ 6,500.00
Captain (3)	\$ 4,000.00
Training Officer	\$ 1,625.00

<u>FIRE DEPARTMENT</u>	<u>HOURLY RATE</u>
Support Firefighter	\$10.30
Officers/Firemen	\$11.09
Fire Inspectors	\$12.36
Emergency Medical Technicians/ Firefighters	\$13.01
Advanced Emergency Medical Technicians/Firefighters	\$14.34
Paramedics/Firefighters	\$16.72
Administrative Assistant	\$10.30
Basic Emergency Medical Technician – Day Program*	\$10.61
Intermediate Emergency Medical Technician – Day Program*	\$11.67
Paramedic – Day Program*	\$12.73
Firefighters “on call” for Medical Emergency Runs	\$ 2.50
Firefighter Midnight to 6:00AM “on call” to stay at Fire Station	\$ 7.50

*Subject to approval of Township
Trustees

<u>POLICE DEPARTMENT</u>	<u>HOURLY RATE</u>		
	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>
Police Officers	\$12.58	\$13.58	\$14.58
Part-time – Four (4) Maximum			

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30843

Ordinance No. 42-09

Passed _____, 20____

Section 2: All other ordinances inconsistent herewith are repealed.

Section 3: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising so that changes can be effective January 1, 2009, wherefore, this ordinance shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk of Council

I, Tammy Marthey, Clerk of Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Ordinance _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the ____ day of _____, 2009.

Tammy Marthey, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

44-09

Passed

20

AN ORDINANCE ESTABLISHING
RATES OF PAY FOR VARIOUS
PART-TIME POSITIONS WITHIN
THE CITY OF CANAL FULTON
EFFECTIVE JANUARY 1, 2010,
AND ADDING HOLIDAY PAY
FOR DAY CREW SHIFT, AND
REPEALING ANY ORDINANCES
IN CONFLICT THEREWITH, AND
DECLARING AN EMERGENCY.

WHEREAS, the Canal Fulton City Council has established rates of pay
for part-time employees, and

WHEREAS, adjustments are to be made to their pay, and

WHEREAS, this change is to be effective January 1, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

Section 1: Rates of pay of part-time safety forces employees shall be
established as follows:

FIRE DEPARTMENT

PER YEAR

Chief	\$15,000.00
Assistant Chief	\$ 6,500.00
Captain (3)	\$ 4,000.00
Training Officer	\$ 1,625.00

FIRE DEPARTMENT

HOURLY RATE

Support Firefighter	\$10.30
Officers/Firemen	\$11.09
Fire Inspectors	\$12.36
Emergency Medical Technicians/ Firefighters	\$13.01
Advanced Emergency Medical Technicians/Firefighters	\$14.34
Paramedics/Firefighters	\$16.72
Administrative Assistant	\$10.30
Basic Emergency Medical Technician – Day Program*	\$10.93
Intermediate Emergency Medical Technician – Day Program*	\$12.02
Paramedic – Day Program*	\$13.11
Firefighters “on call” for Medical Emergency Runs	\$ 2.50
Firefighter Midnight to 6:00AM “on call” to stay at Fire Station	\$ 7.50

*Subject to approval of Township
Trustees

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 44-09 Passed _____, 20____

Section 2: Day Crew Shift personnel who work on a holiday shall receive one and one-half times their regular rate of pay. The following are the paid holidays observed: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

POLICE DEPARTMENT

HOURLY RATE

	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>
Police Officers	\$12.58	\$13.58	\$14.58
Part-time – Four (4) Maximum			

Section 3: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising so that changes can be effective January 1, 2010, wherefore, this ordinance shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk of Council

I, Tammy Marthey, Clerk of Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Ordinance _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the ____ day of _____, 2009.

Tammy Marthey, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 45-09

Passed _____, 20____

(Scott Svab)

An Ordinance To Make Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2009, and Declaring an Emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: To provide for the current expenses and other expenditures of the City of Canal Fulton, Ohio, during the fiscal year ending December 31, 2010, the following sums are hereby set aside and appropriated as detailed in the attached Exhibit.

Section 2: The Finance Director is hereby authorized to draw warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving claims therefore, provided that such claims are approved by an Ordinance or Resolution of Council, or, properly approved by the head of the Department or Board for which the indebtedness was incurred. It is further provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or Ordinance. It is also provided that appropriations for contingencies can only be expended upon an affirmative vote by two-thirds of the members of Council and only for expenses constituting a legal obligation against the City, and for purposes other than those covered by other specific appropriations herein made.

Section 3: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising from the need to property and legally fund ongoing and daily City operations and services, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk of Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2009, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as six of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the _____ day of _____, 2009.

Tammy Marthey, Clerk of Council

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
101	101	5110	Council - Salaries	7,500.00
101	101	5212	Council - Employers Pension	1,000.00
101	101	5214	Council - Employers Medicare	200.00
101	101	5230	Council - Workers Compensation	200.00
101	101	5570	Council - Training & Education	1,000.00
101	101	5620	Council - Supplies and Equipment	500.00
101	120	5110	Mayor and Admin - Salaries & Wages	86,000.00
101	120	5212	Mayor and Admin - Employers pension	11,000.00
101	120	5214	Mayor and Admin - Employers Medicare	1,250.00
101	120	5220	Mayor and Admin - Hospitalization	6,500.00
101	120	5230	Mayor and Admin - Workers Compensation	2,500.00
101	120	5235	Mayor and Admin - Unemployment Charges	1,500.00
101	120	5310	Mayor and Admin - Professional Services	7,000.00
101	120	5320	Mayor and Admin - Newsletter	6,000.00
101	120	5410	Mayor and Admin - Contracted Services	20,000.00
101	120	5480	Mayor and Admin - Communications	5,000.00
101	120	5492	Mayor and Admin - Stark County Regional Planning	700.00
101	120	5494	Mayor and Admin - Stark County Health Dept	25,000.00
101	120	5496	Mayor and Admin - Muskingum Watershed Conservation Tax	13,125.80
101	120	5510	Mayor and Admin - Travel & Incidental	3,000.00
101	120	5520	Mayor and Admin - Advertising	5,000.00
101	120	5530	Mayor and Admin - Insurance/Bonding	2,500.00
101	120	5570	Mayor and Admin - Training/Education	1,500.00
101	120	5580	Mayor and Admin - Professional Memberships	3,100.00
101	120	5610	Mayor and Admin - Office Supplies	9,000.00
101	120	5680	Mayor and Admin - Discretionary Purchases	3,500.00
101	120	5690	Mayor and Admin - Contingency	15,000.00
101	120	5710	Mayor and Admin - Equipment	2,000.00
101	120	5980	Mayor and Admin - Refunds	2,000.00
101	130	5110	Finance Department - Salaries & Wages	15,000.00
101	130	5212	Finance Department - Employers Pension	3,750.00
101	130	5214	Finance Department - Employers Medicare	400.00
101	130	5220	Finance Department - Hospitalization	4,200.00
101	130	5230	Finance Department - Workers Compensation	500.00
101	130	5240	Finance Department - Part time Salaries & Wages	5,000.00
101	130	5310	Finance Department - Professional Services	10,000.00
101	130	5330	Finance Department - Audit Services	14,300.00
101	130	5490	Finance Department - County Auditor/Treasurer fees	6,500.00
101	130	5510	Finance Department - Travel & Incidental	750.00
101	130	5530	Finance Department - Insurance/Bonding	200.00
101	130	5570	Finance Department - Training & Education	1,500.00
101	130	5580	Finance Department - Professional Memberships	300.00
101	130	5710	Finance Department - Equipment	500.00
101	150	5110	Legal Department - Salaries & Wages	10,000.00
101	150	5200	Legal Department - Office Stipend	3,600.00
101	150	5212	Legal Department - Employers Pension	900.00
101	150	5214	Legal Department - Employers Medicare	160.00
101	150	5230	Legal Department - Workers Compensation	400.00
101	150	5350	Legal Department - Civil Service Testing	2,000.00
101	150	5410	Legal Department - Contracted Services	50,000.00
101	150	5620	Legal Department - Law Library Supplies	400.00
101	160	5360	City Engineer - Engineering Service	50,000.00

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
101	170	5110	Land & Building - Salaries & Wages	28,000.00
101	170	5120	Land & Building - Overtime	400.00
101	170	5130	Mayor's Summer Works Program	10,000.00
101	170	5212	Land & Building - Employers Pension	2,870.00
101	170	5214	Land & Building - Employers Medicare	1,200.00
101	170	5220	Land & Building - Hospitalization	4,000.00
101	170	5230	Land & Building - Workers Compensation	1,700.00
101	170	5310	Land & Building - Professional Services	9,000.00
101	170	5410	Land & Building - Contracted Services	9,500.00
101	170	5445	Land & Building - Repairs & Maintenance	8,000.00
101	170	5465	Land & Building - Electric	10,800.00
101	170	5470	Land & Building - Natural Gas	4,500.00
101	170	5480	Land & Building - Communications	7,500.00
101	170	5530	Land & Building - Insurance/Bonding	7,000.00
101	170	5550	Land & Building - Licenses	75.00
101	170	5620	Land & Building - Supplies/Materials	8,500.00
101	170	5650	Land & Building - Fuel	1,000.00
101	170	5710	Land & Building - Equipment	900.00
101	180	5110	Community Service - Salaries & Wages	10,000.00
101	180	5212	Community Service - Employers Pension	1,400.00
101	180	5214	Community Service - Employers Medicare	300.00
101	180	5230	Community Service - Workers Comp	300.00
101	180	5510	Community Service Travel Reimb.	500.00
101	180	5620	Community Service Supplies	2,500.00
101	180	5710	Community Service Equipment	500.00
101	190	5920	Transfer Out to Street Operating Fund	50,000.00
101	190	5921	Transfer Out to Police Operating Fund	750,000.00
101	190	5922	Transfer Out to Fire Operating Fund	350,000.00
101	190	5923	Transfer to Capital Improv. Fund	150,000.00
101	190	5925	Transfer to Debt	-
101	799	2602	Transfer to Squad Lease Payment	26,796.00
101	360	5460	Street Lighting Charges	16,000.00
101	510	5110	Park & Recreation - Salaries & Wages	25,000.00
101	510	5212	Park & Recreation -Employers Pension	3,750.00
101	510	5214	Park & Recreation -Employers Medicare	500.00
101	510	5230	Park & Recreation - Workers Comp.	835.86
101	510	5310	Park & Recreation - Professional Services	3,500.00
101	510	5410	Park & Recreation - Contracted Services	3,500.00
101	510	5430	Park & Recreation-Parks Programming	4,000.00
101	510	5445	Park & Recreation -Repairs/ Maintenance	3,000.00
101	510	5465	Park & Recreation- Electric	2,500.00
101	510	5470	Park & Recreation- Natural Gas	1,500.00
101	510	5480	Park & Recreation- Communications	1,800.00
101	510	5510	Park & Recreation- Travel / Incidental	250.00
101	510	5550	Park & Recreation- Licenses	100.00
101	510	5570	Park & Recreation- Training /Education	300.00
101	510	5610	Park & Recreation- Office Supplies	750.00
101	510	5620	Park & Recreation - Supplies/ Materials	3,064.14
101	510	5710	Park & Recreation - Equipment	400.00
Total General Fund				<u>1,950,926.80</u>

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
200	140	5110	Income Tax Dept. - Salaries & Wages	47,000.00
200	140	5120	Income Tax Dept. - Over-time	4,100.00
200	140	5212	Income Tax Dept. - Employers Pension	7,900.00
200	140	5214	Income Tax Dept. - Employers Medicare	550.00
200	140	5220	Income Tax Dept. - Hospitalization	9,500.00
200	140	5230	Income Tax Dept. - Workers Compensation	1,300.00
200	140	5240	Income Tax Dept. - Seasonal Employee	11,000.00
200	140	5310	Income Tax Dept. - Professional Services	8,500.00
200	140	5410	Income Tax Dept. - Contracted Services	6,000.00
200	140	5445	Income Tax Dept. - Repairs and Maintenance	500.00
200	140	5480	Income Tax Dept. - Communications	11,000.00
200	140	5510	Income Tax Dept. - Travel & Incidental	700.00
200	140	5530	Income Tax Dept. - Insurance- Bonding	100.00
200	140	5570	Income Tax Dept. - Training & Education	750.00
200	140	5580	Income Tax Dept. - Professional Memberships	100.00
200	140	5590	Income Tax Dept. - Court Costs	2,000.00
200	140	5600	Income Tax Dept. - Legal Fees Collections	8,500.00
200	140	5610	Income Tax Dept. - Office Supplies	2,500.00
200	140	5680	Income Tax Dept. - Refunds	32,000.00
200	140	5690	Income Tax Dept. - Contingency	3,000.00
200	140	5710	Income Tax Dept. - Equipment	1,750.00
200	140	5910	Income Tax Dept. - Transfer to General Fund	1,550,000.00
200	140	5911	Income Tax Dept. - Transfer to Police Fund	150,000.00
200	140	5939	Income Tax Dept. - Transfer to Capital Projects	75,000.00
200	140	5948	Income Tax Dept. - Transfer to General Debt	-
Total Income Tax Fund				1,933,750.00
201	360	5110	Street Department - Salaries & Wages	121,600.00
201	360	5120	Street Department - Overtime	8,500.00
201	360	5212	Street Department - Employers Pension	18,500.00
201	360	5214	Street Department - Employers Medicare	1,800.00
201	360	5220	Street Department - Hospitalization	35,000.00
201	360	5230	Street Department - Workers Compensation	3,900.00
201	360	5235	Street Department - Unemployment Charge	500.00
201	360	5240	Street Department - Uniforms	2,200.00
201	360	5310	Street Department - Professional Services	500.00
201	360	5410	Street Department - Contracted Services	8,000.00
201	360	5420	Street Department - Emergency Dispatching	500.00
201	360	5440	Street Department - Vehicle Repairs/Maint	8,500.00
201	360	5445	Street Department - Repairs & Maintenance	9,000.00
201	360	5480	Street Department - Communications	6,000.00
201	360	5530	Street Department - Insurance/Bonding	9,000.00
201	360	5570	Street Department - Training/Education	1,500.00
201	360	5620	Street Department - Supplies & Materials	15,000.00
201	360	5630	Street Department - Street/Storm Materials	22,000.00
201	360	5640	Street Department - Small Tools & Equipment	3,000.00
201	360	5650	Street Department - Fuel	12,000.00
201	360	5690	Street Department - Contingency	3,000.00
Total Street Department				290,000.00
204	360	5465	State Highway - Electric	15,500.00
204	360	5630	State Highway - Street/Storm Materials	10,000.00
Total State Highway Fund				25,500.00
206	360	5630	Motor Vehicle Licence Tax - Street/Storm Materials	55,000.00
Total Motor Vehicle License Tax Fund				55,000.00

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
210	250	5110	Police Department - Salaries & Wages	516,377.00
210	250	5115	Police Department- PTE Salaries	32,140.00
210	250	5120	Police Department - Overtime	18,500.00
210	250	5212	Police Department - Employers Pension	98,720.00
210	250	5214	Police Department - Employers Medicare	8,296.00
210	250	5220	Police Department - Hospitalization	90,404.00
210	250	5230	Police Department - Workers Compensation	13,000.00
210	250	5240	Police Department - Uniforms	11,100.00
210	250	5310	Police Department - Professional Services	4,000.00
210	250	5410	Police Department - Contracted Services	23,000.00
210	250	5420	Police Department - Emergency Dispatching	49,628.00
210	250	5440	Police Department - Vehicle Repairs/Maint	7,000.00
210	250	5465	Police Department - Electric	6,500.00
210	250	5470	Police Department - Gas Heat	4,000.00
210	250	5480	Police Department - Communications	10,000.00
210	250	5490	Police Department - County Auditor/Treasurer Fees	950.00
210	250	5510	Police Department - Travel-Prisoners	500.00
210	250	5530	Police Department - Insurance/Bonding	10,000.00
210	250	5570	Police Department - Training/Education	5,000.00
210	250	5575	Police Department - College Approved Reimbursement	1,000.00
210	250	5580	Police Department - Professional Memberships	300.00
210	250	5620	Police Department - Supplies & Materials	8,000.00
210	250	5650	Police Department - Fuel	15,000.00
210	250	5680	Police Department - Discretionary	5,000.00
Total Police Department				938,415.00
Drug Enforce. & Education				
213	250	5310	Professional Services	500.00
213	250	5510	Travel/ Incidental	1,000.00
213	250	5620	Supplies/ Materials	3,500.00
213	250	5710	Drug Enforce. & Educ. - Equipment	700.00
TOTAL				5,700.00
216	250	5570	Travel & Training	1,000.00
216	250	5620	Supplies/ Materials	1,000.00
216	250	5710	Law Enforcement Trust - Equipment	5,000.00
Total Law Enforcement Trust Fund				7,000.00

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
222	210	5110	Fire/EMS - Salaries & Wages	275,000.00
222	210	5212	Fire/EMS - Employers Pension	3,750.00
222	210	5214	Fire/EMS - Employers Medicare	4,125.00
222	210	5216	Fire/EMS - Employers Social Security	13,500.00
222	210	5230	Fire/EMS - Workers Compensation	19,000.00
222	210	5235	Fire/EMS - Unemployment	1,000.00
222	210	5240	Fire/EMS - Uniforms	4,500.00
222	210	5310	Fire/EMS - Professional Services	2,900.00
222	210	5410	Fire/EMS - Fire contracted services	8,500.00
222	210	5415	Fire/EMS - EMS contracted services	5,000.00
222	210	5420	Fire/EMS - Emergency Dispatching	23,289.00
222	210	5440	Fire/EMS - Vehicle Repairs/Maint	12,000.00
222	210	5445	Fire/EMS - Repairs & Maintenance	4,000.00
222	210	5465	Fire/EMS - Electric	11,000.00
222	210	5470	Fire/EMS - Natural Gas	10,000.00
222	210	5480	Fire/EMS - Communications	12,000.00
222	210	5490	Fire/EMS - County Auditor/Treasurer Fees	1,000.00
222	210	5510	Fire/EMS - Travel/Incidental	1,000.00
222	210	5530	Fire/EMS - Insurance/Bonding	8,800.00
222	210	5570	Fire/EMS - Training/Education	10,000.00
222	210	5580	Fire/EMS - Professional Memberships	1,000.00
222	210	5620	Fire/EMS - Fire Supplies	10,000.00
222	210	5625	Fire/EMS - EMS Supplies	10,000.00
222	210	5650	Fire/EMS - Fuel	9,000.00
222	210	5690	Fire/EMS - Contingency - Refunds	5,000.00
222	210	5710	Fire/EMS - Equipment	7,500.00
222	210	5715	Fire/EMS - EMS Equipment	7,800.00
Total Fire/EMS Fund				480,664.00
285	210	5110	St. Helena II - Salaries & Wages	20,000.00
285	210	5212	St. Helena II - Employers Pension	2,500.00
285	210	5214	St. Helena II - Employers Medicare	500.00
285	210	5230	St. Helena II - Workers Comp.	600.00
285	210	5310	St. Helena II - Professional Services	600.00
285	210	5410	St. Helena II - Contracted Services	400.00
285	210	5415	St. Helena II - Vet & Health Supplies	1,000.00
285	210	5420	St. Helena II - Stable Fees	9,900.00
285	210	5430	St. Helena II - Ferrier	1,500.00
285	210	5440	St. Helena II - Vehicle Repairs & Maintenance	1,000.00
285	210	5445	St. Helena II - Repairs & Maintenance	500.00
285	210	5480	St. Helena II - Communications	1,000.00
285	210	5510	St. Helena II - Travel & Incidental	200.00
285	210	5530	St. Helena II - Insurance / Bonding	1,000.00
285	210	5570	St. Helena II - Training & Education	200.00
285	210	5620	St. Helena II - Supplies	1,500.00
285	210	5650	St. Helena II - Fuel	500.00
285	210	5690	St. Helena II - Contingency	500.00
285	210	5710	St. Helena II - Equipment	300.00
285	210	5720	St. Helena II - Refunds	500.00
Total St. Helena II Fund				44,200.00
290	510	5310	FEMA Grant - Professional Services	-
331	510	5730	Park & Recreation - Capital Improvements	50,000.00
Total Park & Recreation - Capital Improvements				50,000.00

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010	
341	310	5410	Water - Contracted Services	-	
341	310	5720	Water - Capital Outlay	8,285.00	
341	310	5730	Water - Capital Improvements	15,000.00	
Total Water Capital Improvements				23,285.00	
351	330	5410	Sewer - Contracted Services	24,210.80	
351	330	5710	Sewer - Equipment	14,785.00	
351	330	5730	Sewer - Capital Improvements	-	
Total Sewer Capital Improvements				38,995.80	
381	610	5710	Downtown Capital - Contracted Services	9,542.00	
381	610	5730	Downtown Capital - Capital Improvements	24,130.00	
Total Downtown Capital Improvements				33,672.00	
391	120	5720	Mayor & Admin. - Capital Outlay	133,004.00	
391	210	5710	Fire/EMS - Equipment	16,000.00	Used Command Vehicle
391	210	5720	Fire/EMS - Capital Outlay	26,796.00	yrly squad payment
391	210	5830	Fire/EMS - Future Capital Improvements	25,000.00	Future Capital Truck
391	250	5710	Police - Equipment	28,000.00	vehicle/ equip.
391	250	5710	Police - Equipment	6,000.00	Server
391	250	5710	Police - Equipment	6,000.00	Vests and Bldg. Maint.
391	330	5720	Street - Capital Outlay	3,000.00	Sign & Post Replacements
391	360	5730	Street - Capital Improvements	20,000.00	concrete repairs/chip seal
Total General Capital Improvements				263,800.00	
441	310	5810	Water Debt - Water Plant Extension Bonds - Principal	140,084.00	
441	310	5820	Water Debt - Market Street (OPWC) - Principal	16,122.78	
441	310	5830	Water Debt - Canal Street (OPWC) - Principal	6,157.80	
441	310	5840	Water Debt - Water Treatment Plant - (OPWC) - Principal	30,029.74	
441	310	5850	Water Debt - N.W. Water Line - Principal	30,000.00	
441	310	5860	Water Debt - Milan St. Water line (OPWC) - Principal	16,582.44	
441	310	5890	Water Debt - Water Plant Extension Bonds - Interest	11,626.98	
441	310	5895	Water Debt - N.W. Waterline Interest	24,737.50	
Total Water Department Debt				275,341.24	
451	330	5820	Sewer Debt - Denshire Sanitary Sewer Project (OPWC) - Pri	20,859.76	
451	330	5830	Sewer Debt - Solid Handling Improvements (OPWC) - Princip	18,805.00	
451	330	5840	Sewer Debt - High St. Sanitary Sewer OPWC	3,731.18	
Total Sewer Department Debt				43,395.94	
481	130	5810	General Obligation Debt - Principal (Downtown Bonds)	39,916.00	
481	130	5890	General Obligation Debt - Interest	3,313.04	
Total General Obligation Debt				43,229.04	

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
Special Fund Debt				
391	210	5860	Fire Sta. Bond Series 2006-1 Principal	30,000.00
391	210	5870	Fire Sta. Bond Series 2006-1 Interest	30,325.00
391	210	5880	Fire Sta. Bond Series 2006-2 Principal	30,000.00
391	210	5890	Fire Sta. Bond Series 2006-2 Interest	28,800.00
Total Fire Sta. Bonds				119,125.00
541	310	5110	Water Department - Salaries & Wages	310,389.28
541	310	5120	Water Department - Overtime	13,000.00
541	310	5212	Water Department - Employers Pension	43,454.50
541	310	5214	Water Department - Employers Medicare	4,400.00
541	310	5220	Water Department - Hospitalization	48,000.00
541	310	5230	Water Department - Workers Compensation	9,311.68
541	310	5235	Water Department - Unemployment Charges	3,000.00
541	310	5240	Water Department - Uniforms	2,000.00
541	310	5310	Water Department - Professional Services	22,000.00
541	310	5340	Water Department - Laboratory Services	3,500.00
541	310	5410	Water Department - Contracted Services	16,500.00
541	310	5420	Water Department - Emergency Dispatching	500.00
541	310	5440	Water Department - Vehicle Repairs/Maint	3,000.00
541	310	5445	Water Department - Repairs & Maintenance	8,000.00
541	310	5465	Water Department - Electric	42,000.00
541	310	5470	Water Department - Gas Heat	13,000.00
541	310	5480	Water Department - Communications	12,000.00
541	310	5490	Water Department - Safety Programs & Training	2,500.00
541	310	5510	Water Department - Travel/Incidental	500.00
541	310	5530	Water Department - Insurance/Bonding	8,800.00
541	310	5555	Water Department - EPA License Fee	7,500.00
541	310	5570	Water Department - Training/Education	4,000.00
541	310	5580	Water Department - Professional Memberships	500.00
541	310	5620	Water Department - Supplies & Materials	32,000.00
541	310	5630	Water Department - Street/Storm Swr. Materials	2,000.00
541	310	5640	Water Department - Small Tools & Equipment	3,500.00
541	310	5650	Water Department - Fuel	6,000.00
541	310	5690	Water Department - Contingency	1,000.00
541	310	5710	Water Department - Capital Improvements	3,500.00
541	310	5980	Water Department - Refunds/Reimbursements	2,000.00
541	310	5985	Water Department -Transfer to Debt	75,000.00
Total Water Department				702,855.46

City of Canal Fulton
FYE 12/31/2010
Combined Annual Appropriation Measure

Fund	Function	Object	Description	Year 2010
551	330	5110	Sewer Department - Salaries & Wages	268,023.74
551	330	5120	Sewer Department - Overtime	7,000.00
551	330	5212	Sewer Department - Employers Pension	37,523.32
551	330	5214	Sewer Department - Employers Medicare	3,886.34
551	330	5220	Sewer Department - Hospitalization	55,000.00
551	330	5230	Sewer Department - Workers Compensation	8,040.71
551	330	5235	Sewer Department - Unemployment Charges	2,750.00
551	330	5240	Sewer Department - Uniforms	2,000.00
551	330	5310	Sewer Department - Professional Services	20,000.00
551	330	5340	Sewer Department - Laboratory Services	5,000.00
551	330	5410	Sewer Department - Contracted Services	12,000.00
551	330	5420	Sewer Department - Emergency Dispatching	500.00
551	330	5440	Sewer Department - Vehicle Repairs/Maint	6,000.00
551	330	5445	Sewer Department - Repairs/Maint - Plant	30,000.00
551	330	5447	Sewer Department - Repairs/Maint - Lift Stations	15,000.00
551	330	5450	Sewer Department - Sludge Removal	12,500.00
551	330	5465	Sewer Department - Electric	105,000.00
551	330	5467	Sewer Department - Electric - Lift Stations	46,000.00
551	330	5470	Sewer Department - Gas Heat	2,500.00
551	330	5480	Sewer Department - Communications	11,000.00
551	330	5487	Sewer Department - Communications Lift Stations	4,750.00
551	330	5490	Sewer Department - Safety Training Programs	2,500.00
551	330	5510	Sewer Department - Travel/Incidental	500.00
551	330	5530	Sewer Department - Insurance/Bonding	8,800.00
551	330	5555	Sewer Department - EPA License Fee	6,000.00
551	330	5570	Sewer Department - Training/Education	3,500.00
551	330	5580	Sewer Department - Professional Memberships	400.00
551	330	5620	Sewer Department - Supplies & Materials	18,000.00
551	330	5630	Sewer Department - Street/Storm Swr. Materials	1,000.00
551	330	5640	Sewer Department - Small Tools & Equipment	3,000.00
551	330	5650	Sewer Department - Fuel	7,500.00
551	330	5690	Sewer Department - Contingency	3,000.00
551	330	5710	Sewer Department - Equipment	2,000.00
551	330	5980	Sewer Department - Refunds/Reimbursements	3,000.00
Total Sewer Department				713,674.11
608	130	5990	Hospitalization - Premiums	200,000.00
608	130	5995	Hospitalization - Claims	-
Total Internal Service Fund				200,000.00
701	130	5690	General Trust - Contingency	3,590.72
Total General Trust Fund				3,590.72
780	130	5980	Unclaimed Trust - Reimbursements	4,085.00
Total Unclaimed Trust Fund				4,085.00
GRAND TOTAL ALL FY 2010 APPROPRIATIONS				8,246,205.11

Check. Date..... Vendor Name..... Amount.....

039397	11-19-2009	00010 MATTHEW BENDER-LEXIS NEXIS	109.46	POLICE LAW UPDATES
039398	11-19-2009	01690 MIDWEST GUN CLUB	1395.56	GUN ACCESSORIES
039399	11-19-2009	01424 MILLER AND CO.	85.00	PORTA POT
039400	11-19-2009	00304 MITCHELL COMMUNICATIONS, INC.	450.00	FIRE DEPT. BATTERIES
039401	11-19-2009	01633 PELLINI AND ASSOCIATES LLC	405.00	LEGALS
039402	11-19-2009	00506 PITNEY BOWES PURCHASE POWER	1158.99	POSTAGE MACHINE
039403	11-19-2009	00318 POP'S SEPTIC TANK SERVICE	145.00	LIFT STA. PUMP OUT
039404	11-19-2009	00498 QUILL CORPORATION	304.19	
039405	11-19-2009	00630 REAM & HAAGER LABORATORY INC	182.50	
039406	11-19-2009	02153 SCHMACK BIOENERGY LLC,	759.15	SLUDGE FEES
039407	11-19-2009	01112 SCOTT FELLMEYER	1234.50	
039408	11-19-2009	01623 SIEMENS WATER TECH. CORP.	495.00	WATER DEPT.
039409	11-19-2009	01710 SPEEDWAY SUPERAMERICA	1458.98	
039410	11-19-2009	00800 ST. PAUL STAMP WORKS, INC.	27.84	COUNCIL PLATES
039411	11-19-2009	00379 STARK COUNTY HEALTH DEPT	45.00	VACCINATION
039412	11-19-2009	01817 TOSHIBA BUSINESS SOLUTIONS	389.18	
039413	11-19-2009	00381 TREASURER, STATE OF OHIO	3941.76	EPA LICENSE
039414	11-24-2009	Non-issued	0.00	VOIDED
039415	11-24-2009	00103 O.P.E.R.S.	10525.14	RETIREMENT
039417	11-25-2009	00844 CANAL FULTON ELECTRICAL SUPPLY	185.50	
039418	11-25-2009	01816 CANTON DATA PRINT INC.	488.35	NEWSLETTER
039419	11-25-2009	02030 CORRPRO WATERWORKS COMPANIES	515.00	WATER TOWER MAINT. CONTRACT
039420	11-25-2009	01592 HEATHER SMITH	88.73	
039421	11-25-2009	00659 HOME DEPOT CREDIT SERVICES	54.37	
039422	11-25-2009	01214 HOMETOWN INSURANCE GROUP, INC	13217.49	
039423	11-25-2009	01460 HUNTINGTON NATIONAL BANK	81262.50	FIRE STA. BONDS
039424	11-25-2009	00854 J & B TEMP CONTROL	109.50	
039425	11-25-2009	02189 KRISTA AND KENNETH KIEFFER	50.00	DEPOSIT REFUND
039426	11-25-2009	02042 LEVINSON'S UNIFORMS	7.50	
039427	11-25-2009	00068 LINDSAY CONCRETE PRODUCTS CO.	2232.00	MANHOLE COVERS
039428	11-25-2009	02139 MAST LEPEY	337.33	LEAF BLOWER PARTS
039429	11-25-2009	01742 MET LIFE INSURANCE CO.	1864.76	
039430	11-25-2009	00596 NEXTEL SPRINT COMMUNICATIONS	175.37	
039431	11-25-2009	00667 NORLSON INC	628.00	COUNCIL RECORDER
039432	11-25-2009	00783 NORTH CENTRAL LABORATORIES	104.78	
039433	11-25-2009	00558 OHIO DEPARTMENT OF JOB & FAMIL	1270.04	UNEMPLOYMENT CHARGES
039434	11-25-2009	01566 OHIO PARKS AND RECREATION	65.32	MEMBERSHIP
039435	11-25-2009	00498 QUILL CORPORATION	28.39	
039436	11-25-2009	01139 SQUIRE, SANDERS & DEMPSEY LLP	625.00	
039437	11-25-2009	01078 THE BANK OF NEW YORK	191070.00	WATER PLANT BOND PAYMENT
039438	11-25-2009	00404 TRINER OIL CO.		
039439	11-25-2009	00404 TRINER OIL CO.	1873.84	
039440	11-25-2009	00125 VICTORY WHITE METAL COMPANY	1807.72	WATER VALVES
039441	11-25-2009	00515 VISION SERVICE PLAN - (OH)	821.97	

TOTAL \$ 355,303.84

Check. Date..... Vendor Name..... Amount.....

039343	11-06-2009	09000 CARTER JONES LUMBER COMPANY	300.00	INCOME TAX REFUNDS
039344	11-06-2009	09000 ELMEST, INC.	216.11	"
039345	11-06-2009	09000 FIRE FOE CORP	5.00	"
039346	11-06-2009	09000 FOUR CONTRACTORS, INC.	5.00	"
039347	11-06-2009	09000 HERITAGE CHIROPRACTIC HEALTH	410.00	"
039348	11-06-2009	09000 HRB TAX GROUP	57.60	"
039349	11-06-2009	09000 RUTH ANN LOEPP	90.37	"
039350	11-06-2009	09000 DAVID AND JENNY MOREHART	80.96	"
039351	11-06-2009	09000 JOHN REYNOLDS	1614.78	"
039352	11-06-2009	09000 SCRANTON CORPORATION	417.66	INCOME TAX REFUNDS
039353	11-10-2009	00399 SBC AMERITECH	1942.50	
039354	11-10-2009	00551 ADVANCE AUTO PARTS	82.46	
039355	11-10-2009	00257 AFFIRMED FIRST AID & SAFETY	91.75	
039356	11-10-2009	00853 ATCO INTERNATIONAL	90.00	
039357	11-10-2009	02113 BUCKEYE PUMPS, INC.	13.93	
039358	11-10-2009	02111 BUTTERBRIDGE STABLES	825.00	BOARDING FEES
039359	11-10-2009	01606 CLEMANS-NELSON & ASSOC. INC.	305.00	LEGALS
039360	11-10-2009	00490 DALE B. KINCAID	147.48	COLLECTIONS
039361	11-10-2009	00033 DOMINION EAST OHIO	1676.59	
039362	11-10-2009	01711 FIRE DATA EXCHANGE ASSOC.	20.00	MEMBERSHIP
039363	11-10-2009	01162 NEOSHRED	171.00	RECORDS DESTRUCTION
039364	11-10-2009	09000 OH PLASTICS & SAFETY PRODUCTS	25.00	SIGNAGE
039365	11-10-2009	00094 OHIO EDISON COMPANY	1031.12	
039366	11-10-2009	01633 PELLINI AND ASSOCIATES LLC	1422.90	LEGALS
039367	11-10-2009	02136 PERENNIAL VINEYARDS, LTD.	40.00	CANAL BOAT
039368	11-10-2009	00498 QUILL CORPORATION	65.58	
039369	11-10-2009	00842 THE REPOSITORY GATEHOUSE MEDIA	28.28	
039370	11-10-2009	00542 SAM'S CLUB	169.16	CLEANING SUPPLIES
039371	11-10-2009	00399 SBC AMERITECH	31.66	
039372	11-10-2009	01710 SPEEDWAY SUPERAMERICA	1303.48	POLICE FUEL
039373	11-10-2009	00638 STARK COUNTY SOIL & WATER	100.00	
039374	11-10-2009	00001 TREASURER STATE OF OHIO	200.00	
039375	11-10-2009	01854 UNIFIRST CORPORATION	81.00	
039376	11-10-2009	02188 VELOCITOR SOLUTIONS	1004.00	FIRE SOFTWARE CONTRACT
039377	11-10-2009	00399 SBC AMERITECH	759.62	
039378	11-10-2009	00844 CANAL FULTON ELECTRICAL SUPPLY	4230.00	WATER DEPT.
039379	11-10-2009	00486 CTI ENVIRONMENTAL, INC.	1795.40	
039380	11-10-2009	00932 J.D. STRIPING & SERVICE INC	6888.75	ROAD PAINTING
039381	11-10-2009	00679 REPUBLIC WASTE SERVICES #870	375.54	
039382	11-10-2009	01662 ROCKHURST CONTINUING EDUCATION	199.00	PAYROLL CLASS UPDATES
039383	11-10-2009	01710 SPEEDWAY SUPERAMERICA	957.52	
039384	11-17-2009	00102 U. S. POSTMASTER	141.00	
039385	11-17-2009	02149 DON SCHWENDIMAN	1912.50	INSPECTION FEES
039386	11-19-2009	01710 SPEEDWAY SUPERAMERICA	739.10	
039387	11-19-2009	01901 BUCK CHEVY	4.44	
039388	11-19-2009	00490 DALE B. KINCAID	435.22	COLLECTIONS
039389	11-19-2009	01396 ELAINE WEITZEL	80.00	CONTRACT CLEANING
039390	11-19-2009	00756 EMERGENCY MEDICAL PRODUCTS INC	39.45	
039391	11-19-2009	01687 FBI LEEDA	50.00	MEMBERSHIP
039392	11-19-2009	00436 GEORGE WAIKEM FORD INC	157.16	
039393	11-19-2009	00607 GRAINGER	38.66	
039394	11-19-2009	01510 JEFFERSON LINCOLN INS. CO.	160.20	
039395	11-19-2009	00733 KAREN HILTBRAND	260.00	CONTRACT CLEANING
039396	11-19-2009	00554 LAKE BUSINESS PRODUCTS	19.20	